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Senate

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Almighty God, we humble ourselves and confess our need for You. You lift us up and grant us opportunities beyond our imagination. Yet, when we try to make it on our own, claiming recognition for ourselves, eventually we become proud and self-sufficiently arrogant. Keeping up a front of adequacy becomes demanding. Our pride blocks our relationship with You and debilitates deep, supportive relationships with others.

Help us accept our humanity. We need You, and life is a struggle when we pretend to have it all together. We honestly confess the times we forgot You went for hours this week, even days without asking for Your help, and endured life's pressures as if we were the source of our own strength.

In the quiet of this moment, we invite You to fill our depleted resources with Your Spirit. We want to allow You to love us, forgive us, renew us, and grant us fresh joy. To this end we admit our need and accept Your power for the work ahead this day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce we will be in a period of morning business until 10 a.m. today, with the first half under the control of the majority leader and the second half under the control of the Republican leader. We expect Senator BOXER momentarily.

At 10 a.m. the Senate will resume consideration of the trade bill, with 90 minutes of debate in relation to the Gregg amendment, followed by a vote in relation to that amendment. I remind all Senators that from 2 to 3 p.m. today we will be in recess for the Reagan gold medal ceremony. President Reagan and Nancy Reagan will be recognized in the Rotunda today for their service to our country.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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 a.m. Under the previous order, half the time until 10 a.m. shall be under the control of the majority leader or his designee.

Mrs. BOXER. Mr. President, I ask to be advised when 5 minutes remain on our time.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

THE ENVIRONMENT

Mrs. BOXER. Mr. President, I take to the floor this morning to talk about an issue that is very near and dear to the hearts of the American people. It is very near and dear to the hearts of Californians and very near and dear to my heart. That is a clean and healthy environment for our people. I know the Presiding Officer shares my view on this very important issue.

When I was a little girl, my mother would say you can have everything, but if you don't have your health, you

really don't have anything. She was right about that. The older I get, the more I realize that is true. You can have a wonderful home, wonderful family, but if someone is ill, someone has chronic problems, it takes over. That is what a clean and healthy environment means. It means clean air; it means clean water, safe drinking water; it means beautiful places to take your family.

In the old days, people used to say only the elitists were environmentalists. In other words, it was a movement about people who had everything. The truth is, it is quite the contrary because the people who have a lot of resources and a lot of money can buy their own environment. They can buy a big piece of property. It can have a lake on it, beautiful trees, and mountains. They can enjoy it forever, as long as they live. But ordinary families cannot do that. They need to rely on the environment that we all share.

Most of our people live in urban areas or near urban areas. In California, about 90 percent of our people live close to urban areas. In the rest in the country as a whole, it is almost 80 percent. The fact is, most of us live near businesses, and some pollute. We live in a shared environment. Sometimes it is an environment that is not as healthy as it should be. We know now what causes the pollution. It is no great surprise.

What brings me here? To say that I am distressed at the record of this administration on the environment. Almost every day we have something else to which we can say: Oh my God, what are they doing? We believe it is time to call attention to it. We think when we call attention to it, they may well change their ways. We have proof of that in one particular issue that I will discuss. But, also, the American people need to know the values of this administration compared to their own values. When so many of our children have asthma, this is not a time to turn away from the Clean Air Act and put up some phony proposal that you say is better but is worse. We have a leader on that issue, Senator JEFFORDS, very clearly saying that is the direction in which this administration is going.

When we have children who are suffering from too much lead in their blood and we know that leads to disability, sometimes coma, blindness, sometimes even death—certainly learning disabilities and mental retardation—it is not a time to float a proposal that says we should stop testing poor kids for lead in their blood.

What has happened as a result of this attack on the environment—and, by the way, I will go through more issues—is that our majority leader, TOM DASCHLE, has appointed what I call the E team, the environmental team. That team comprises several Senators: BILL NELSON, CANTWELL, CLINTON, REID, WYDEN, LIEBERMAN, TORRICELLI, and myself. We are examining on a daily basis what this administration is doing to us on the environment. We have created a Toxic Trophy Award to go to those particular agencies that are doing the most damage.

Two weeks ago, we gave that award to the Department of Health and Human Services for their proposal to consider not testing poor kids for lead in their blood. We pounded away pretty hard and we presented our Toxic Award in a ceremony. They were not there, but in absentia we presented the award. Guess what happened. Yesterday we read in the paper that they decided they are going to back away.

We are really glad. We see this happening all over. My friend is very involved in education issues. Senator KENNEDY and I know that the Presiding Officer, Senator REED, and others were there to point out the administration is going to make it more difficult for our young people to pay back college loans. You pounded on this administration, and guess what happened. They backed away.

We think this administration functions in a very interesting way. They do a lot of things in the dead of night. They hope nobody notices. The newspapers may write a couple of articles, but then they figure the publicity will die down. And the American people, frankly, are worse for it.

The E team and the other teams Senator DASCHLE has set up, be it for prescription drugs or Social Security, the many issues we are looking at, are not going to allow these policy changes to go unnoticed.

Today I want to put on record and share with you, Mr. President, since I see you are the one with whom I can share it, what has happened since this administration took over in terms of the environment.

We think the place to start is an organization called the Natural Resources Defense Council, the NRDC. This is a great organization. They are nonprofit and nonpartisan. They employ about 200-plus lawyers and scientists to follow what various administrations are doing with regard to the environment. As I say, they are very nonpartisan. They did not like a couple of things the Clinton administration did, and they went pretty heavily for it on a few issues. They are unrelenting in their pursuit of a clean environment for our families.

Most of the time they agreed with the Clinton administration because the Clinton administration, I would say, was probably the most pro-environmental administration we have seen in many years. But even then, when they believed the administration was wrong, they went after them.

They have kept a record of this administration's decisions on the environment. That is what I want to talk about. What they have found is that there are more than 90 separate actions this administration has taken that are bad for public health and the environment. Let me repeat that. They have not been in office that long—it seems like yesterday—and already 90 separate actions that this administration has taken are bad for public health and the environment.

I do not have time to put this entire list in, but let me show you the report. It is called ''Rewriting The Rules, The Bush Administration's Assault On The Environment.'' It has a picture of some beautiful land with a used tire in the middle. Everyone should get a copy of this. You can go on their Web site, nrdc.org, and find out what is happening.

I am glad one of the members of my E team is here, Senator NELSON of Florida. I am opening, and when I get to the Superfund, I would like to get into a colloquy with him, if he can.

Does the Senator have time to stay for about 15 minutes?

Mr. NELSON of Florida. Certainly.

Mrs. BOXER. Let's start from the beginning. The administration took over in 2001. One of the first things they did was to hold up proposed rules announced by EPA in December of 2000 that were designed to minimize raw sewage discharges and to require public notification of sewage overflows.

There is nothing more ugly than sewage overflows—without going into any detail. Why on Earth would they reverse the decision to minimize sewage overflows? You will have to ask them. Last year alone, there were some 40,000 discharges of untreated sewage carrying bacteria, viruses and, frankly, fecal matter into basements, streams, playgrounds, and waterways across the country. That rule is still delayed today.

On March 13, 2001, President Bush broke the promise he made during the campaign and he announced he would not regulate carbon dioxide, the chief contributor to global warming. He is not going to go after the powerplants. This is where Senator JEFFORDS is taking this administration on, and I am right by his side, as is the E team.

On May 22, the administration suspended the new standard for arsenic in drinking water. My friend Senator NELSON and I just went wild on that point. When we took to the floor and shined the light on this subject, they changed their mind and they decided to let the Clinton rule go into place: 10 parts per billion. We know the old standard that they seemed to want to have, because they delayed the new standard, causes cancer in 1 in 100 people. So we had to fight very hard on arsenic. By the way, the fight isn't over because now we are learning from scientists that 10 is too high, 10 parts per billion; we need to go down to 3. So we have a fight there.

On May 3, the administration reversed a 25-year-old Clean Water Act rule that restricted the disposal of mining and other industrial solid wastes in our waterways. The EPA then issued a new rule, making it illegal for coal companies to dump ''fill material,'' which includes waste material from mountaintop mining, into our

rivers, our streams, our lakes and our wetlands.''

I don't know whether the President really listens to the words:

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed his grace on thee.

He doesn't seem to understand beauty that we have been given by God, to be honest. I don't see it. Either that or he has not taken an interest. But, either way, the decisions of this administration—I have just shared a few. There are 90 of them. Go up on the NRDC site and get the rest of them—would make you shudder. That is why Senator DASCHLE set up this E team—to take a light and shine it on what is happening.

I am going to get to the issue I know Senator NELSON is very upset about, and that is the Superfund. Before I yield to him in a colloquy, let me show, in a chart form, what is actually happening. I want to show how many strip mine sites there are across this great land of ours. This is the EPA's own Web site, and this is the NPL sites, which are the priority sites, the worst sites. You don't see much yellow here. Yellow indicates the places that have no Superfund sites. Purple represents the ones that have the sites. So we are talking about an issue that impacts our entire Nation.

The health effects of these sites are very real. What are they? When we say Superfund, it means these are the most toxic sites. When you live near a Superfund site, studies show there are increased birth defects, low birth weights, changes in pulmonary function—that is breathing—neurological damaging—that is the brain—and leukemia.

If you live near one of these sites, you have a better chance of getting really sick, and particularly your children because—what have we said here so many times—children are the most vulnerable when it comes to being exposed to toxins and pollution. Why is that? Their bodies are changing and growing in the midst of these toxins. And they are small, so when they breathe in the air in proportion to their body weight, it is much more of an important factor.

Now, I often say, children are not little adults. I am a little adult. I am stronger. If I lived near one of these sites, I could get sick because I am not as strong as a big 155-pound male, which is always the standard on which we measure progress. But little kids, they are the ones who get hurt.

So there are 1,200 national priority list Superfund sites, NPL sites. And nearly 70 million Americans, including 4 million children, live within 4 miles of a Superfund site. Let me reiterate: 70 million Americans live within 4 miles of a Superfund site. And we know if you live near a site, you are at greater risk of getting very ill. We know 4 million children live near Superfund sites.

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to do so.

Mr. REID. One of the things I have been trying to do is tell people in Nevada we should not be afraid of Superfund sites. Let me give the Senator from California an example.

In northern Nevada, Sparks, which is a suburb of Reno, there was a huge gravel pit, much larger than the Capitol Building. It was huge.

One day, a number of years ago, somebody started seeing black rings around this pit. And months and months went by and the State simply was ill-equipped to handle the many problems involving a Superfund. I thought something might be involved.

So to make a long story short, the Senator from California and I have served on the Environment and Public Works Committee for a long time, and I sent a staff person to look at it.

We held a hearing, and within 2 weeks that was declared an emergency Superfund site because millions of gallons of oil had been spilled by the oil companies into the ground. It could have been extremely dangerous.

Again, I will make this story shorter than it probably should be, but that place now, after having been declared a Superfund site, is one of the most beautiful places in all of northern Nevada. It is called Sparks Marina. There are boats out in this beautiful area which used to be an ugly gravel pit. Now it is a marina with recreation.

They are now going to build some apartments and homes next to it.

So I say to my friend from California, I appreciate very much, as someone from Nevada, that Senators are here this morning talking about the inadequacies and fallacies of this administration relating to the environment. But I also want to pinpoint what Senators are talking about with regard to Superfund sites because we should be spending more money on Superfund sites so we can have, across this country, more Sparks Marinas rather than less Sparks Marinas.

So I appreciate very much the Senator from California bringing this to the Senate's attention.

Mrs. BOXER. I say to the Senator, that is the point. If we can clean up these sites, the Senator is so right—the same way with brownfields—they are then safe, productive land, good for the community. The reason we are on the floor of the Senate today—and the Senator is part of my E team, and he will understand this—this wonderful story occurred because the site was cleaned. If the site sat there, people would have been fearful, and should have been fearful. And that is why I want to get to this next point.

Mr. REID. Before the Senator does, let me make one additional point. That beautiful Sparks Marina was cleaned up without a single penny of taxpayers' money. It was paid for by the polluters who were forced into cleaning that up when it was declared a Superfund site because had they not come forward and then been found guilty, they would have been charged three times the actual damages.

Mrs. BOXER. My friend has now hit on the very two issues that we are going to talk about in the next few minutes. The first one is the importance of cleaning up the sites and what it means when you do that. The second point is the importance of ''polluter pays'' as a concept that is now being threatened.

So what is happening under this administration, I say to my friends, is this: This administration is going to cut in half the number of sites to be cleaned up. I should not say they are going to; they have so stated.

So we are going from the Clinton administration, where the last cleanups reflected in the year 2000 were 87 sites cleaned up, to now, under this administration, they are talking about cleaning up 47. They did 47 last year. So that means it has already been cut in half. And they want to continue to go down, down, down. So we see here a walking away from the Superfund Program.

I say to my friend from Florida, what is so stunning about this is the only way we found this out was by digging and digging through EPA documents. We have asked in the Environment Committee—I am the chair of the Superfund Subcommittee—for a list of which sites are not going to be cleaned up. They first promised to do 75, and they did 47. Then they said they would do 65, and now they have said they are going to do 40. So they are down, from a high of 88 to 40. We cannot get the list of what sites they will not clean up.

I have a chart in the Chamber showing NPL sites. We do not know where the sites are. Mr. President, they could be in your State. They could be in Florida. They could be in my State. I have over 100 sites—100 sites—in my State, and 40 percent of my people—and that is a big number; we have 35 million people—live within 5 miles of a Superfund site.

So we are all in this together. There is only one State that has no sites, and that is North Dakota. Lucky North Dakota. Well, there are not that many people there. But the people who are there do not live near a Superfund site. Every other State has a site in it, and no one knows where the sites are because the administration will not tell us. By October, they have to expend the money, and the administration says they don't have the list ready.

I believe at some point we are going to have to subpoena this information because how would you feel, Mr. President, if you were a property owner, and you anticipated a site near you was going to be cleaned, and suddenly you were told it would not be? You would want to have some advance notice so you could protest, so you could call your Senator and say to him or her: Fight for me. This isn't right.

We have a site in New Jersey where, honestly, the rabbits there have turned a horrible color of green because of the Agent Orange on the site, arsenic on the site.

The ACTING PRESIDENT pro tempore. The Senator from California has 5 minutes remaining.

Mrs. BOXER. I will yield to my friend some time to ask me some questions. But I will say this: We are in a mess. Half of the sites that we thought were going to be cleaned up will not be cleaned up.

The last point is the point on ''polluter pays.'' I have a chart I will show you, and then I will yield.

''Polluter pays'' has been a theory and a practice. Now what the administration is doing—we always had a situation where taxpayer funds only paid for about 18 percent of the cleanup, and 82 percent was paid by the responsible parties and other funds.

Now, under this administration, in 2003, because there is no Superfund fee in place anymore, 54 percent of the program is going to be paid by taxpayers.

So I ask a rhetorical question to this administration: Where have you been, when we have made a point that polluter pays is basic?

I yield to my friend for questions or comments, but I also ask unanimous consent for 5 additional minutes on our side.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair.

Mr. NELSON of Florida. I thank the Senator from California for yielding.

I would like to talk about 1 of those 1,222 sites around the country, 51 of which are in my State, 111 in the State of New Jersey, 100 sites in the State of California. One of those sites is about 12 miles west of Orlando near Lake Apopka at a site called the Old Tower Chemical plant which was shut down in 1980 after a plug of witches' brew that had been created in a holding pond as a result of cooking DDT—I am not making this up; it sounds like a fantasy tale but it is true—after cooking this DDT in order to get a chemical byproduct, all of this residue flowed into a holding pond.

What they didn't know was that the holding pond was a sink hole that allowed that cooked witches' brew to go right into the water supply, the Floridian aquifer and, even with that sink hole, a plug escaped over the top of the holding pond and into a creek which flowed into Lake Apopka.

Lake Apopka is a huge lake west of Orlando. It has had quite a few environmental problems, not the least of which is a lot of agricultural runoff, and so forth. But this Tower Chemical plant was finally shut down by EPA when it found that some of this holding pond brew went into Lake Apopka.

Today Lake Apopka's population of 4,000 alligators is down to 400. And of those 400, they have found deformities in the alligators. You know how tough an alligator is. This site, the Tower Chemical plant, still sits out there, not treated, not cleaned up, and there are traces of these chemicals in the area in the water supply. There are eight residences right in the immediate vicinity. I am trying to get EPA to give filters for the water wells that tap the water supply right next door to the Tower Chemical plant, just for starters, not to speak of the underlying point.

If we don't have a trust fund that is filled with money for that principle that the ''polluter pays,'' there is not going to be any money. The money in the trust fund is going to run out next year. So how are we going to clean up the Tower Chemical site that could be threatening a huge water supply for the State of Florida? There is simply no way.

As to the Bush administration—I said this in Florida the other day—what has happened to them? Have they taken leave of their senses; to say that they are not going to fund, through the principle of the ''polluter pays,'' the trust fund so we can clean up these 51 sites in the State of Florida, the 1,222 sites around the country? If you don't do that, either you don't clean up the sites—and there is just too much environmental risk—ergo, witness the example I have just given you west of Orlando and the Floridian aquifer being threatened—or if you are going to clean them up, guess who is going to pay. The general taxpayer is going to pay instead of the polluter paying.

When we passed this bill in 1980—I was a Member of the House of Representatives, and I voted for it—it was with the understanding that there would be a tradeoff, that the oil companies would trade off their liability in future lawsuits by agreeing to the principle of the polluter paying, and they and the chemical companies over the years would pay into the trust fund. If we don't keep that same principle, then the oil companies get off scot-free. They don't have any lawsuit liabilities now because of their agreement in exchange for paying in to help us clean up these sites. Are we to let them completely off the hook so that they will not pay?

I wanted to bring that one case to the attention of the Senator from California as she is talking about the national implications of this. I thank the Senator for yielding.

Mrs. BOXER. I thank my colleague. We are not talking about theory. We are not talking about an academic proposition. We are talking about sites with horrible pollutants and toxins in them, close to people, that have to be cleaned up.

This is the first time I have taken to the floor on this subject. I intend to come back. Other members of the team include HILLARY CLINTON and RON WYDEN and JOE LIEBERMAN, and we think BOB TORRICELLI may join us. This is a big issue to the people of this country. We are all pulling together on the challenge that was handed to us on 9–11. We will pull together on that.

To me, the most important thing is to understand that there is a balance. On domestic issues, when we see this administration going the wrong way, repealing laws that reflect values of the American people, the value of a healthy environment, the value of a beautiful environment, we are going to be here.

Today we will with Senator SCHUMER give out another Toxic Trophy Award. Senator CANTWELL is also on the E team. I think I have covered then all of the members.

I know how strongly we believe in these issues. If we continue to shine the light on some of these outrageous proposals, we won't stop every one of them, but we will stop some of them. At a minimum, the American people will know what this administration is doing, sometimes in the dead of night when they are not watching. We intend to be here and call attention to these matters in the hope of winning this battle, when we consider that there has been a war waged on the environment. We will be here as soldiers in that war. We intend to win it.

I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the time until 10 a.m. is under the control of the Republican leader or his designee.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I yield myself such time as I may consume.

SOIL CONSERVATION

Mr. GRASSLEY. Mr. President, I come to the floor to comment on an article that was in the Des Moines Sunday Register April 21 which speaks to the point of conservation of farm land. There is nothing in the article that is not accurate, but I think some things that are not included leave the impression that farmers of the United States are not good stewards of the soil. The premise of the article, according to the headlines ''Farmers' penalties rarely stick,'' is that under Federal law farmers must take certain action to conserve soil. If they do not conserve the soil and do it according to a plan, then they would be fined. And the article here is based on the premise that only a Government policeman from the U.S. Department of Agriculture is going to make the farmers conserve soil and that fines that might be imposed are the way of doing that because it says here that farmers' conservation fines rarely stick.

The bottom line of the article is that farmers are not conserving soil, that

Government regulation is the only thing that is going to make the farmers conserve the soil, and that there is not enough club on the part of Government because the fines in too many instances, according to the article, are forgiven.

As I said, there is nothing inaccurate in that, but I have prepared remarks in which I want to give both sides of the story. We do have a Government requirement for farmers to participate in farm programs they must take appropriate action to conserve soil. There has been tremendous progress made in the conservation of soil, and it has come not because of Government fines that might be imposed against farmers but it comes because it is in the farmers' best interests to conserve soil because, quite frankly, the soil is very valuable but in the process of growing crops you put tremendously expensive chemicals and fertilizers on the soil. And when you have soil erosion and that soil washes into the streams, then obviously that investment to produce a bountiful crop goes with it. So it is to the farmers' advantage to keep the soil on their land.

Over the past year, this body, along with our colleagues in the House, has engaged in a protracted discussion about the future of agriculture in the United States and how to best ensure a safe and stable food supply while providing an adequate safety net for farm families. The farm bill was passed and signed by the President very recently, which will be the safety net for the next 6 years.

Now that we have done that, I would like to take a step back and address a concern that has been raised by many people I represent. For those colleagues who have never had the good fortune to visit my State of Iowa, I would like to take a moment to talk about this State. While we in Iowa may not be able to boast about majestic mountains or white sands on beaches along the oceans, my State has one natural resource to which I daresay no other State can compare—our rich, abundant, fertile topsoil. This resource has given birth to a deep-seated agricultural heritage in every corner of my state. In fact, each year communities across Iowa take to the streets to celebrate our rich heritage that comes from this rich natural resource, our topsoil.

For example, the community of Conrad, IA, celebrates what they call ''Black Dirt Days.'' Gladbrook celebrates ''Sweet Corn Days,'' and the little community of Dike celebrates ''Watermelon Days.'' You can go on and on with examples of the people of Iowa worshiping our great natural resource. And no one in Iowa cares more about this rich heritage and our precious natural resources than the farm families who depend on the land for their livelihood and their way of life. That is why I was disturbed, as I already indicated to you, when the Des Moines Sunday Register on April 21 accused Iowa farmers of failing to take adequate steps to protect Iowa's soil and water. The article suggested that the U.S. Department of Agriculture's Natural Resources Conservation Service Program, as well as the Farm Service Agency, both failing to adequately enforce Federal conservation rules, often let our farmers off the hook when conservation violations occur.

The article suggests that the only way to achieve real conservation in rural America is for the Federal Government to carry a very big stick. Even more disconcerting, the article fails to address the significant conservation achievements that Iowa's farm families have already attained in terms of reducing soil erosion and reducing the use of nitrogen fertilizers by using it more efficiently.

The Federal Government first significantly increased the prominence of conservation as a national priority in the 1985 farm bill. For the first time, that Food Security Act of 1985 required farmers to implement sound conservation plans on their farms as a condition for receiving Federal farm subsidies.

We were not controlling the farmers' land, but we were saying in effect, through that bill, if they are going to benefit from the farm safety net, we expect everybody to be good stewards of their soil.

More importantly, the 1985 bill also recognized the desire on the part of farmers themselves to protect the land on which they live and raise their families from abusive farming practices. The bill created the Conservation Reserve Program, sometimes called CRP, which allows farmers to take our countryside's most highly erodible land out of production.

Since the 1985 farm bill, we have expanded the number of opportunities for farmers to voluntarily practice soil conservation programs. Today, farmers have a full arsenal of conservation tools at their disposal, including the Conservation Reserve Program, the Wetlands Reserve Program, the Emergency Watershed Protection Program, and the Wildlife Habitat Incentive Program, to name a few.

The response to these programs by farmers and landowners has been overwhelming. Today, in Iowa alone, the farmers have enrolled 1.8 million acres in the Conservation Reserve Program, including 337,000 acres in the Continuous Conservation Reserve Program, which allows farmers to remove our country's most environmentally sensitive land from production. The Continuous Conservation Reserve Program helps farmers make significant conservation improvements on their land, including riparian buffers, grass waterways, filter strips, and windbreaks.

In addition, Iowa farmers are aggressively working to restore our Nation's wetlands. Today, Iowa farmers have enrolled over 44,000 acres in the Wetlands Reserve Program. Wetlands provide a number of environmental benefits, as I am sure my colleagues understand.

These wetland reserves help filter out nitrates that leech into the surface water from nitrogen fertilizers used by farmers to improve yields, as well as from naturally occurring nitrogen in Iowa's highly organic soil. They filter herbicides that seep into the ground, and they provide valuable habitat for Iowa's wildlife.

As you can see, restoration of wetlands is important to all Iowans, both rural and urban. And that is not all.

Iowa farmers have enrolled more than 60,000 acres in the Watershed Protection Program, and nearly 2,000 acres in the Wildlife Habitat Incentive Program. These programs have proven to be very successful.

According to the Natural Resources Conservation Service, Iowa farmers cut soil erosion in half over the past two decades. We used to lose 10 tons per acre in 1982. By 1997, because of these conservation programs, we had cut that loss down to 5.3 tons per acre, and at 5 tons per acre, it is renewable.

Moreover, according to the Iowa Department of Natural Resources, over 92 percent of Iowa's public water systems meet Federal drinking water standards.

However, some critics of Federal conservation programs have asserted that the 1996 farm bill actually weakened conservation efforts. These critics may be interested to learn that throughout the duration of the 1996 farm bill, over 313,000 acres of conservation buffers have been built in the State of Iowa.

In addition, over 106,000 acres of wetlands have been created, and there continues to be a waiting list of farmers who are eager to enroll fragile cropland in these programs, only kept from doing so because of the amount of money Congress will appropriate for these programs.

It is important to keep in mind that sound conservation practices not only improve the environment in rural areas, but they also can play into the farmers' bottom line. Since 1996, Iowa farmers have increased the use of no-till planting. No-till planting leaves the residue from a previous crop on the ground, significantly reducing erosion. By not tilling the land, farmers reduce the number of trips across the field with their tractors, saving time, reducing the use of limited fossil fuels, and reducing harmful emissions into the air.

In addition, technological advancements have improved the farmer's ability to care for land while improving yields. Today, for example, many farmers have turned away from the old method of applying fertilizer at an equal rate throughout the entire field. In fact, because of global positioning equipment, we can apply variable rates of fertilizer in different parts of the field in different quantities to save money, but not to waste fertilizer as well.

One concern I have expressed about the 1996 farm bill is that it fails to incorporate effective payment limitations that would target Federal assistance to family farmers.

Mr. President, the Senate has now passed the successor to the 1996 farm bill. This legislation should be the incarnation of our principles and our vision for the role we see America's farm families playing in the future.

I was pleased that 64 Members of the Senate joined Senator DORGAN and me in a bipartisan fashion to ensure Federal payments are targeted to small and medium-sized family farmers who produce the food and fiber of our Nation. Our amendment would have helped curb the overproduction and target assistance to family farmers who live on the same land they farm. I am disappointed that the agreement reached in conference significantly weakens our provision.

In conclusion, this discussion raises the question of whether Federal farm program policy should require farmers to conserve through strict enforcement of Federal regulations or whether the Federal Government should encourage farmers to conserve through voluntary conservation programs. In my State, we have witnessed the numerous benefits of voluntary conservation to improving the quality of life and our environment.

It is in every farmer's best interest to conserve the soil, to eliminate excessive use of fertilization, and ensure that chemicals are applied in an environmentally sensitive manner. After all, the farmers live on the same land they farm. Farm families depend on the land for their livelihood and their way of life.

I have to say again, Iowa's rich topsoil is our most prized resource. Our economy and our rural heritage depend on it. We have heard much in recent years about sustaining agriculture. No one cares more about sustaining agriculture in America than our family farmers. Our rich soil is rivaled by only one other resource: the hard-working men and women who, day in and day out, work the land to feed the United States and the world.

Mr. President, I ask unanimous consent to print in the RECORD two articles.

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

[From the Des Moines Sunday Register, Apr. 21, 2002]

FARMERS' PENALTIES RARELY STICK

(By John McCormick, Jerry Perkins and Perry Beeman)

In exchange for millions of dollars in federal subsidies, Iowa farmers promise to protect the soil and water.

But a Des Moines Sunday Register analysis shows farmers almost never lose their taxpayer subsidies, even when federal officials discover they have violated their conservation pledge.

Three percent of the $7.8 million in potential fines farmers faced for soil and water conservation violations were actually levied from 1993 through 2000. After appeals, farmers were allowed to keep the rest—about $7.6 million.

''You have to ask just how serious the enforcement effort is,'' said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. farm policy. ''There is almost no chance that you'll lose a penny.''

With Congress poised to approve a new farm bill—legislation that among other things will provide about $46 billion over the next 10 years to supplement commodity prices paid to farmers—few changes are planned for enforcing soil conservation regulations.

That's probably best for Iowa farmers and agricultural land owners, who between 1996 and 2001 collected $8.7 billion in subsidy payments, more than any other state.

Federal agriculture officials maintain that they are doing the best they can, within the limits of time and personnel, to ensure that farmers do their part to preserve the environment. Looking merely at enforcement, they say, ignores the impact of effective voluntary conservation programs.

Though difficult to measure on a large scale, there is little argument that soil erosion has left Iowa with dirty water. There are 157 lakes and sections of river in Iowa on the federal government's list of critically polluted waters, and the state's waterways are known for having some of the world's highest nitrate and phosphorus levels.

Soil and fertilizer are Iowa's two biggest waterway pollutants. Much of the pollution comes from the runoff that's gradually washing away the state's greatest asset: its rich topsoil.

After promising starts, no-till farming has leveled off, and conservation tillage has declined. Silt and soil erosion also show few signs of slowing.

''Now we're going backward,'' said David Williams, a former soil and water district commissioner in Page County. ''We're seeing more and more black dirt in the fields and they're losing a lot of it, and that's hurting our water quality.''

Williams said conservation compliance requirements worked reasonably well until passage of the Freedom To Farm law in 1996. He said the law made it more difficult to take away farm payments from those who violated their conservation plans, removing the programs's teeth.

There are no national data available on conservation compliance, but environmentalists say enforcement is probably just as lax in other states.

''The problem we have in answering a lot of these questions is that there isn't any real enforcement trace record to base an answer on,'' said Craig Cox, executive director of the Ankeny-based Soil and Water Conservation Society, a national organization.

Sen. Tom Harkin, chairman of the Senate Agriculture Committee, has requested a review of the U.S. Department of Agriculture's conservation programs by the General Accounting Office, the investigative arm of Congress. He has asked specifically for a look at the enforcement of conservation practices.

''I've been hearing that, quite frankly, we've been backsliding,'' Harkin said late last week, between conference committee meetings on the 2002 farm bill.

Harkin has pushed for a new conservation initiative in the Senate version of the farm bill. The proposal would base payments to farmers on their level of soil stewardship, essentially paying more to those who voluntarily agree to work harder on conservation.

''They will actually get paid for doing these things,'' he said. ''I think that's a much better way of approaching it than the hammer kind of approach we've had in the past.''

ROOTS OF THE PROBLEM

Tying federal farm payments to sound conservation practices started in the depth of the 1980s farm crisis, when farmers agreed to new requirements pushed by environmentalists as part of a deal to secure a greater financial safety net.

In return for taxpayer subsidies, farmers were supposed to protect the land for future generations. That meant taking steps such as planting field borders or leaving corn stubble in a field after harvest. Both techniques can reduce erosion of soil by wind and water.

Farmers who work land prone to erosion are required to follow specifically designed federal conservation plans or risk losing their federal subsidies.

The loss of federal payments is meant to be a huge club to gain the attention of those few farmers who don't want to protect their land for the long run.

The Register's analysis, however, shows that 97 percent of the money Iowa farmers were at risk of losing because of conservation violations was restored through ''good faith'' and other exemptions often granted by county committees. Those committees are largely composed of neighboring farmers.

Farmers were given several ways to sidestep penalties under the Freedom To Farm law. For instance, they could point to financial problems that might have kept them from following their conservation plans.

Virtually any farmer was given a year to fix problems found by federal inspectors, who say they check about 2 percent of all farmland each year to see whether conservation plans are followed.

In addition to the new exemptions, there has been a dramatic decrease in the number of annual inspections since passage of the Freedom To Farm law, according to data provided to the Register by the Iowa office of the Natural Resources Conservation Service, a branch of the USDA.

In 1993, the agency checked 2,536 tracts of farmland in Iowa. The number rose to 3,407 in 1997 before dropping sharply to 1,430 by 2001. Officials blame limited budgets and other department responsibilities for the decline.

But over the years, farmers haven't been bashful about complaining to members of Congress if their payments were threatened, said Lyle Asell of the Iowa Department of Natural Resources, who also used to work for the conservation service in Iowa.

''If they are going to lose payments, they could lose the farm, and the first thing they do is call their legislators,'' Asell said, adding that he still believes the program has greatly improved soil conservation in Iowa.

A CARROT, NOT A STICK

Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C., said enforcement statistics don't give a complete picture of what's happening to the environment. For example, they fail to take into account farmers who don't bother to apply for subsidy payments because they know they're in violation of conservation rules.

Given the massive undertaking of policing America's farms, federal farm officials say they've learned that encouraging voluntary conservation improvements can be more effective than dropping the hammer on violators.

''There was a move away from the time spent on compliance in favor of voluntary programs,'' said Larry Beeler, a conservation worker in the Natural Resources Conservation Service's Des Moines office. ''Conservation compliance is important, but so are the voluntary programs.''

Beeler said the move reflects a nationwide trend to encourage greater soil protection through voluntary programs such as the conservation reserve and wetland reserve programs. Such programs reward farmers for taking highly erodible land out of production and for protecting and enhancing wetlands.

Beeler said his agency's move toward greater voluntary efforts has not hurt compliance: The proportion of inspected farms found to be in violation in any given year has stayed at 5 percent or less.

Many farmers agree that increasing enforcement isn't the answer. They say most producers know it's in their best interest to practice sound conservation.

''If you don't, you're not going to grow anything,'' said Tom Kohn, who farms 3,000 acres near Cushing. ''It will all go down the river. . . . The farmers who haven't taken care of the land aren't in business anymore.''

Changes in 1996 that gave local officials broad discretionary powers can help and hurt a farmer, others say.

Glenn Marsh, who farms 550 acres near Mapleton, said he's found different conservation rules in neighboring Monona and Woodbury counties.

''It has to be the same all over,'' he said. Marsh called the linking of conservation inspections and farm subsidies ''the biggest joke there ever was.''

Other farmers expressed concern about enforcement.

''I've had some bad experiences with local, state and national farm officials,'' said Mort Zenor, who farms 900 acres in Woodbury County. ''They've got cold ears.''

Zenor, who received more than $225,000 in federal farm subsidy payments from 1996 through 2001, lost $17,000 in the mid-1990s for tilling 40 to 50 acres that conservation officials had designated as no-till.

''I didn't have a no-till planter, and we couldn't afford to buy a new one,'' he said.

Zenor tried to fight the fine. He hired a lawyer and appealed his case to a county committee, as well as district and state offices, but the fine was upheld.

''It's worse than an income-tax audit,'' he said. ''They're right and you're wrong.''

Woodbury County led Iowa for violations of approved conservation plans from 1993 through 2001, according to federal data. Sixty-four tracts of land were discovered to be in violation during those years.

Aster Boozer, a conservation worker for the Natural Resources Conservation Service, said western Iowa's Loess Hills make combining farming and conservation in the area more challenging.

''They are steep and highly erodible,'' he said of the hills. ''It means our conservation plans are very complex.''

Jamrog, the program specialist with the Farm Service Agency in Washington, said many violations are accidental.

''FSA's goal is to not penalize producers, if they are willing to get themselves into compliance,'' he said.

PROGRESS IS SLOW

Even critics of the 1996 changes acknowledge that the evidence that programs aren't working is largely anecdotal.

Measuring erosion is expensive and extremely technical. The Natural Resources Conservation Service tries to measure erosion every five years. Its last survey came in 1997, just a year after the farm bill changes cited by environmentalists. Results of the 2002 survey may not be available until 2003 or 2004.

Jeff Vonk, director of the Iowa Department of Natural Resources and a former top Iowa official for the Natural Resources Conservation Service, said that when he talks to Iowa's local soil and water commissioners, he receives conflicting signals.

''In some counties, they reflect some frustration on their perception of a lack of enforcement,'' Vonk said. ''In other counties, they say enforcement is maintained.''

As Vonk drives around Iowa, he can see the good and the bad. Some of the conservation programs begun in the mid-1980s have made a huge difference in soil conservation, but Vonk still sees muddy waters, fish kills and oxygen-robbing algae blooms created by fertilizer runoff.

Others suggest that changes should have been made in the farm bill currently under discussion to address conservation compliance enforcement.

''There seems to have been in this farm bill absolutely no interest in compliance provisions as a way to achieve better environmental progress,'' said Cox of the Soil and Water Conservation Society.

The answers will undoubtedly come too late for the 2002 farm bill, but Harkin is asking many of the questions that would have to be answered before significant changes can happen. His request to the General Accounting Office asks how the USDA monitors producers' use of conservation plans, how many exemptions are granted, and what the USDA does to ''ensure that violations are consistently identified.''

While he sees problems in the system, Cox and others say Iowa farmers have made great improvements in soil conservation since the policy was initiated in 1985.

''We're making progress, although it might be a little bit slower for some,'' said Art Ralston, a soil and water district commissioner in Woodbury County for more than a decade. ''We just have to keep plugging away.''

EROSION: WAITING FOR ANSWERS

The Natural Resources Conservation Service does an estimate every five years of total erosion on cropland and Conservation Reserve Program land. Environmentalists and farm officials are eagerly awaiting the 2002 results, due sometime in 2003 or 2004, because they might show whether total erosion has been affected by the changes in the 1996 farm bill.

[In billions of tons]

Year	Wind erosion	Sheet and rill erosion*	Total erosion
1982	1.38	1.69	3.07
1987	1.40	1.52	2.92
1992	.95	1.21	2.16
1997	.84	1.06	1.90

*Sheet and rill erosion is removal of soil by water runoff that is a fairly uniform, usually imperceptible thin layer of soil.

Source: Natural Resources Conservation Service.

COMPUTER PROBLEMS PLAGUE AGENCY

Part of the problem in evaluating whether farm subsidiaries are restored too easily for conservation violations lies with the federal computer system.

Flaws: The federal employees charged with monitoring conservation programs have yet to create a comprehensive record-keeping system. That means they can't determine what farmers on even what counties have lost the most money due to violations. It also means federal officials can't say whether the proportion of money returned to Iowa farmers found to be in violation of conservation rules is greater or lower than in other states.

Changes: ''We're in the process of developing a database that will allow us to do comparison statistics,'' said Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C. ''I really don't know if that is similar to other states.''

SIGNS OF TROUBLE

It's hard to measure the impact of the 1996 changes in the farm bill. Since it passed, the percentage of acres using conservation tillage has started to decrease and while no-till farming seems to be leveling off:

Year	Conservation tillage in the United States (percentage of total planted acres)	No-till adoption in the United States (millions of acres)
1990	26	16.8
1992	31	28.1
1994	34.7	38.9
1996	35.8	42.9
1998	37.2	47.8
2000	36.6	50.7

Source: Conservation Technology Information Center.

REQUESTING RECORDS

The Iowa Farm Service Agency, which administers U.S. Department of Agriculture farm programs in Iowa, denied a Freedom of Information Act request filed by the Des Moines Sunday Register for the release of the names of Iowa farmers who have lost farm program payments because of a failure to comply with their conservation plans.

Next: The Register has appealed the denied to the USDA's general counsel. Tal Day, legal analyst in the USDA's appeals and litigants group, said the appeal was being reviewed by the general counsel's office.

Information: The state Farm Service Agency's Des Moines office did provide the newspaper with an electronic file of farm numbers and the proposed fines and dollars reinstated. That information was used to generate a statewide percentage of reinstated payments.

Appeal denied: Zenor adjust markers on his machinery for planting corn. He appealed the no-till fine to a county committee, as well as district and state offices, but it was upheld. ''It's worse than an income-tax audit. They're right and you're wrong.''

INSPECTIONS AND VIOLATIONS

The number of Iowa farms inspected by the National Resources Conservation Service, a branch of the U.S. Department of Agriculture, has gone down dramatically since passage of the 1996 Freedom to Farm legislation. As the number of inspections has dropped, so has the number of cases in which farmers have been found to be in violation of their approved conservation plan.

Year	Total inspections	Violations found	Percentage of farmland tracts found in violation
1993	2,536	102	4.0
1994	2,948	256	8.7
1995	2,946	120	4.1
1996	3,387	117	3.5
1997	3,407	63	1.8
1998	1,488	50	3.4
1999	1,517	67	4.4
2000	1,512	51	3.4
2001	1,430	39	2.7

Source: Des Moines Register analysis of data from the National Resources Conservation Service.

[From the Des Moines Sunday Register, Apr. 21, 2002]

CRITICS SEE LOOPHOLES IN CONSERVATION PROVISIONS

(By Blair Claflin)

Environmentalists and others say a handful of changes in the 1996 farm law, combined with the practical problems of turning federal employees into farm police, have undermined efforts to link farm subsidies to sound conservation practices.

''In 1996, Congress put in a whole second set of appeals when somebody got in the penalty box,'' said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. Farm policy. ''There became lots of ways to get out.''

The changes included:

So-called good-faith exemptions for farmers who did not have a history of violating conservation provisions.

A one-year grace period for farmers to get into compliance.

An expedited procedure for producers to get variances to conservation plans because of problems deemed to be out of their control.

More authority for local officials to determine that conservation compliance plans included requirements that would cause ''undue economic hardships.''

''The conservation provisions of the 1996 farm bill simplify existing conservation programs and improve their flexibility and efficiency,'' said a U.S. Department of Agriculture summary of the legislation.

Craig Cox, executive director of the Soil and Water Conservation Society in Ankeny, says conservation advocates reached a different conclusion.

''The criticism has been that any one of these changes by itself was not a real cause for concern, but together they opened a number of loopholes for the enforcement of conservation provisions,'' Cox said.

Even critics like Cook, however, acknowledge that the concept of linking farm subsidies to conservation practices, which started in the mid-1980s, was in trouble well before 1996.

By the early 1990s, environmentalist were complaining that the concept wasn't being adequately enforced. USDA officials, in turn, complained they didn't have the staff or the time to monitor farm practices so closely.

And in small, tightly knit farming communities, many federal employees who ultimately were responsible for carrying out the new approach were not comfortable with policing their neighbors.

''Nobody wants to stick it to somebody who is demonstrating good faith,'' said Dan Towery, natural resources specialist with the Conservation Technology Information Center in West Lafayette, Ind.

Towery is a former farm official in Illinois who had to investigate compliance cases there. ''Determining what is 'good faith' is very subjective,'' he said.

No definitive studies have been done to determine whether erosion has increased significantly since 1997. The Natural Resources Conservation Service looks at that issue every five years, and its next study is scheduled for 2002.

However, survey work by Steven Kraft, chairman of the Department of Agribusiness Economics at Southern Illinois University in Carbondale, suggests farmers don't feel as threatened by the concept of linking conservation practices to subsidy payments.

Kraft, working with other researchers, surveyed farmers' attitudes about conservation between 1992 and 1996. the study looked at farmers in 100 different counties throughout the Midwest.

Producers were asked, for example, how fair they thought federal officials would be in implementing rules linking conservation to subsidies. In the fall of 1992, almost 29 percent said ''very fair.'' By the winter of 1996, the number had increased to nearly 38 percent.

HOW THE SYSTEM WORKS

Two branches of the U.S. Department of Agriculture play roles in enforcing conservation requirements:

NRCS: The Natural Resources Conservation Service helps farmers develop conservation plans for their farms. Then it polices their efforts to follow the plans.

FSA: If the conservation service finds that a farmer has violated a plan, it reports that to the USDA's Farm Service Agency, which can withhold a farmer's government subsidies.

Appeals: A farmer can appeal the penalty to Farm Service Agency county committees, which are composed of farmers elected by other farmers in the county. Adverse determinations by the county committee can be appealed to the state FSA committee and then to the national appeals division of the Farm Service Agency in Washington, D.C.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). Will the Senator withhold his request?

Mr. GRASSLEY. Yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Gregg amendment No. 3427 (to amendment No. 3401), to strike the provisions relating to wage insurance.

AMENDMENT NO. 3427

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate on Gregg amendment No. 3427.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as we go through the details of this debate, I think it would be well for us to take a moment at the beginning to look at the overall situation we face and try to put this debate into some kind of context.

A fundamental principle that we need to remember in all of these conversations and discussions is this: All money comes from the economy. It does not come from the budget. It does not come from the actions of the Congress. It comes from the economy. If there were no underlying economy, there would be no money for the Federal Government to allocate. We have seen governments around the world that have tried to create money with no economy by passing budgets, and we have seen the disaster that occurs.

So the fundamental principle that we need to address, to begin with, is what are we doing that will help the economy grow? What are we doing with trade promotion that will make the American economy stronger? If we can always keep that in mind as we address these various amendments, we will not do harm to our Government or what it is we are trying to accomplish for our citizens.

The next principle that follows from that one is this: The most significant thing we can do to help the economy grow is to increase productivity—increase productivity of capital, of labor, of our money, that it is invested in the right places, so that we do not do things that will cause the economy to be less productive than it would be otherwise.

These are two very strong fundamentals. We must keep the economy strong and growing. The way to keep the economy strong and growing is to increase productivity. That brings us to the Gregg amendment.

The Gregg amendment would strike out a wage subsidy program that is currently in the bill that is clearly antiproductive. That is, the bill as it currently stands, would decrease American worker productivity in ways that we have already seen historically demonstrated in other countries. We can go, particularly, to the European countries and discover that they have problems with productivity, and they have problems with new job creation. One of the reasons they have problems is that they have structurally built into their economy a subsidy for nonproductive worker activity. It sounds very benign—indeed beneficial—to say to a worker: well, you have lost your job and therefore we will tide you over to another situation until you can get back on your feet. We have unemployment compensation for that. We have other safety net provisions.

But the Europeans, by and large, have adopted the notion that we not only tide you over, we make you whole and keep you in your present income circumstance regardless of our employment circumstance. I had this brought home very dramatically when the company that I ran came into difficulties and lost some clients and had to face laying off some people—ultimately including me. One of my employees, who was in our European subsidiary, said this with a complete straight face, not understanding how America works: How many months do we get from the Government in terms of maintaining our present salaries when this company fails?

I said: None.

He said: In the country where I am working, they get a year and a half to 2 years of continuation at present salary.

I said: Sorry, you are working for an American company—and he had come back here from Europe—and you are here in America. You have to find another job.

He did. He not only found another job, he found a better job than the one he had with me. I had to find another job as my company failed. I did.

If we had been under the circumstances of the language that is in this bill, we could have said to ourselves that we did not have any pressure to find another job; we could be subsidized where we were. We did not need to move forward. We could go just

as things were, and the economy, as a whole, magnified from this example, would become less productive.

Putting it into context again, looking at it as a general principle, here are the principles: If the economy is not strong, we will not have any money to allocate. If the economy is not seeing increased productivity every year, it will not remain strong, and we can look at our European friends and say, if we do what they have done, in the name of compassion for our workers, we will end up hurting our workers, our economy, and our Government.

Sometimes it takes the spur of a little bit of pressure to keep Americans going. But our historic pattern has been that the strong economy helps not only the people at the top but, foremost, it helps the people at the bottom. Keeping them in a temporary position of stability ultimately produces long-term detriment to the economy and to the individuals themselves. For that reason, I support the Gregg amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise today to oppose the amendment offered by Mr. GREGG.

Let me say, first of all, that this bill represents a very balanced compromise between Democrats and Republicans. I have worked hard to defeat some amendments that I view as killer amendments, I am disappointed that this amendment—which I also view as a killer amendment—has even been offered. This amendment would strike an important provision in the TAA bill—wage insurance. Wage insurance, as many now know, gives an incentive to displaced workers to find employment more quickly. It does this by cushioning them against income losses they might experience after losing a job and starting again in a new field. Now, there have been some misstatements about when wages insurance was added to this bill. I have heard some Members suggest that this was added after the markup. That is simply not true.

Wage insurance was included in the original bill introduced by myself and Senators BINGAMAN and DASCHLE last July. And it was open to debate at the Finance Committee markup last December. As a part of a compromise with Senators GRASSLEY and GRAMM, we have all agreed to make this program a pilot program to see if it works. If it does, I suspect we many want to broaden the program. If it does not, I expect that Congress will end this program. But it is hard to argue against, at a minimum, giving this widely-supported program a chance. So how does it work?

We have drafted this as a pilot program for older workers. Due to their long tenure in a single job or industry, older workers tend to be the hardest TAA participants to reemploy and the most likely to experience significant earnings losses in a new job. So, under our bill, any worker who is at least 50 years old and certified eligible for TAA can choose to participate in the wage insurance program.

To qualify for wage insurance, a worker must take a new job that pays less than the old one within the first 26 weeks of regular unemployment insurance. By opting for wage insurance, a worker agrees to forego the 18 months of additional income support the could get under traditional TAA. Wage insurance lasts 2 years and is capped at $5,000 per year. A worker would not be eligible for wage insurance if he made over $50,000 per year. Now, why should we try a wage insurance program as part of TAA?

First, I would note that this is an issue that has been championed by Both Republican and Democratic leaders, and by academics. A number of Republicans, including Secretary Rumsfeld and Ambassador Zoellick—as members of the Trade Deficit Review Commission—and former USTR Carla Hills, have supported wage insurance. Alan Greenspan has also expressed support for such a program. These prominent individuals support wage insurance because it uses market incentives to shorten the period of unemployment.

Second, this is an innovative way to get hard-to-employ people back to work faster. The idea behind wage insurance is that a worker will be more willing to take a lower paying job—and get back into the workforce sooner—if someone is making up part of the difference between the old and new wage. After a year or two of experience on the job, wages tend to rise, reducing the long-term wage losses.

Third, this program actually saves money. During the 26 weeks a worker receives unemployment insurance, they can choose traditional TAA benefits or they can get a job and opt for wage insurance. The choice is up to the worker, but on average providing wage insurance will cost less than providing traditional TAA benefits. By getting people back into the workforce sooner, wage insurance will reduce unemployment rolls, reduce traditional TAA participation, and reduce overall costs to the government. Basically, if a worker certified for TAA takes a job before the end of his 26-week unemployment insurance period, the money that would have gone to fund income support starting in week 27 is instead used to pay the wage insurance. The difference is that the total amount of wage insurance a worker could receive is much less than the cost of traditional TAA benefits. One year of TAA income support at an average of $250 per week is $13,000, while wage insurance is capped at $5,000 per year. There are additional savings because the government will also not be paying for training.

Fourth, on-the-job training works. Studies show that on-the-job training is better for both employers and employees. Wage insurance gives workers the incentive to take entry level jobs and train on the job and it gives employers more control over the kind of training that employees receive.

I would also like to respond to some of the criticisms raised last night about the wage insurance program. First, critics have suggested that wage insurance will give people an incentive to lower their productivity, that wage insurance will persuade workers to turn down good-paying jobs that use their skills in favor of underpaid dream jobs like a fly-fishing instructor or a Disneyland worker. That seems pretty far-fetched to me. Workers in their 50s have kids in college, retirement nest-eggs to build, and mortgages to pay off. Research shows that older workers are the most likely to have obsolete job skills that do not lead to well-paying jobs they need to meet these obligations. I expect that these workers will take the best job they can get.

We have an example in my own state of Montana. Last year the Asarco lead smelter closed in East Helena. Most of the workers have been with the plant many years and are in their late 40s or older. There are no more lead smelting jobs in the U.S. where they could match their wages and use their skills. Most ended up starting again in jobs that paid much less—if they could find jobs at all. This wage insurance program could have helped many of them get back on their feet faster. In any event, I would emphasize that this is a pilot. If it turns out that critics are right and wage insurance leads to a glut of fly fishing instructors, the program can be ended after the 2-year trial. But I don't think that is what we will see.

The second criticism made of wage insurance is that it is inconsistent with the purpose of TAA, which is to provide retraining. Nothing could be further from the truth. The purpose of TAA is not training for its own sake. The purpose of TAA is to get trade-impacted workers back to work as quickly as possible by helping them get new skills. Wage insurance serves that goal, because it encourages on-the-job training. And on-the-job training is the best way to learn new job skills.

Finally, we have heard that this wage insurance program is a form of age discrimination. Giving older workers first crack at an alternative to traditional TAA is not age discrimination. But if this is truly a serious concern, I would be happy to amend this provision, and expand wage insurance to workers of all ages.

Mr. President, in concluding, let me say that there have been several Members who have criticized TAA in the last several days. They suggest it does not work. Yet they reject new bipartisan ideas—like wage insurance—that are offered as alternatives to TAA. I don't understand that. This amendment puts at grave risk the bipartisan compromise that has been struck in this bill. I oppose the amendment and I hope my colleagues will work hard to defeat it.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in a few moments I believe there are other Members coming over to speak, but let me outline once again some of the problems of this language. Remember, the way this is structured is that if one loses their job as a result of trade activity, they can take another job that pays less, and then the taxpayers pay them $5,000 a year for taking a job that pays less if they are over 50 years of age. There is no training requirement language.

There is no requirement that if there is a similar suitable job that pays the same, you take that. Say you lost your job at a manufacturing industry which was trade affected, and there was another job down the street in the manufacturing industry, in the same business, but that company had been able to compete effectively. You can take a job there at the same amount. There is no requirement you must take that; you can work for your cousin, brother, anyone, take a less paying job, and get paid $5,000 from the taxpayer to do that.

There is no requirement to remain in the community. A key in the trade adjustment language is that workers remain in the community. The concept was to revitalize the community through the trade adjustment language. There is no requirement to do that. I can see a lot of people losing their jobs—hopefully not a lot—in the Northeast or the Chicago area or the northern part of the country. Say they are 50 years old. They will say: Hey, I'm out of here; I'm going south where it is warm. I will get a job being an assistant golf pro, which is what I always wanted to do, and I will get $5,000 from the taxpayers to do that. There is no requirement to remain in the community.

There is no requirement for economic damage. In other words, there is no requirement that you need the money. There is a $50,000 payment level, but if you have a lot of assets or your spouse happens to have a high income, you still can benefit from this program.

There is no arm's length requirement. I can see a situation where an agreement may have been reached in the small business just having tough times. They close the store and open across the street, and they get a $5,000 subsidy. Maybe it is just a family situation and you work the system so you can go to work for your son who is running a construction business. The chances to manipulate the system because there is $5,000 of taxpayer money pouring in to support you are very significant.

There are a lot of structural problems as well as philosophical problems that we as a society are going to begin to pay people to be less productive. That is a concept which goes against American entrepreneurship.

I would like to yield to the Senator from Missouri, but I believe we are going back and forth.

Mr. BAUCUS. Senator GRASSLEY and I have to go to a Finance Committee meeting in 8 minutes. I would like Senator GRASSLEY to have the floor.

Mr. GREGG. Obviously, the Senator is the leader on the floor, and we certainly recognize that right.

I reserve my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Senator from New Hampshire.

The Senator from Montana has laid out very clearly why this amendment must be defeated. This is a carefully crafted compromise. The year 2002 is not like previous years in the Senate when we have devoted a lot of bipartisanship to trade agreements. There is bipartisanship, but it is not as certain that we will pass a bill as in the previous 25 years when similar legislation passed.

I emphasize what Senator BAUCUS said: This is a carefully worked out agreement. It may not be entirely to the liking of Senator BAUCUS or perhaps not entirely to my liking, but we have to stick together to get this legislation passed. It is probably one of the most important pieces of legislation to be considered in the Senate.

Although the Senator from New Hampshire has some valid arguments, I cannot support an amendment that upsets the balance of the package by striking these wage insurance provisions. There are things in the package that Members on each side may not like. It is their prerogative to amend whatever they see necessary. I cannot support stripping out this section of the package.

Another reason is, wage insurance provisions in the legislation have not been tested, as some would say. Somewhere along the line, new ideas become law. Just because this is a new idea does not mean it is a bad idea.

I will read what Ambassador Carla Hills, former U.S. Trade Representative for President George Bush, said last year, a long time after she left her position as Trade Representative, when she appeared before the Senate Finance Committee:

> We should explore the concept of wage insurance to supplement the incomes of displaced workers—whatever the cause—who take an entry-level job in a different, more promising sector at lower pay. This would respond to workers' anxiety over near-term wage loss, encourage them to stay productive in the work force and obtain the training that has proved most effective—which is training on the job.

Carla Hills went on to say in a report called ''Getting Over the Fear of Free Trade'':

> The key goal of all of these ideas, as unconventional as they may seem at first, especially to the U.S. business community or the Republican Party, is straightforward. It is to educate and motivate more Americans to stand up in defense of open markets lest we lose the benefits that come from the free flow of ideas, capital, and goods.

We should listen to Ambassador Hills. I believe American anxiety about globalization stems in part from job instability. Wage insurance eases those fears.

As we consider voting on this amendment, I ask Members on my side of the aisle to keep their eye on the ball. The ball happens to be trade promotion authority, a contract between the Congress of the United States and the President of the United States, negotiated for 270 million Americans, a better world, a world that creates job opportunities. Trade creates jobs.

As President Kennedy said, trade, not aid, when it comes to helping the rest of the world. The United States has full responsibility to look out for our interests, the interests of the American people, but also to be a leader in the world. Being a leader in the world involves our participation in not only the economic concerns of the world but maintaining the peace. One of the tools of maintaining peace is economic opportunity. The cooperation comes to the world because of people trading. We often brag about political leaders and diplomats doing so much for world peace. We obviously create an environment for world peace, but there is nothing that works more for world peace than opportunities for individuals to interact with other individuals around the world in a commercial way. That does more to break down barriers and establish world peace than anything else.

Trade promotion authority is one of the three or four parts of this legislation. That is the 800-pound gorilla at which we ought to all be paying attention. It takes a carefully crafted compromise to get to that point. Some of the items in the Trade Adjustment Assistance Act that people on my side of the aisle might not like—and wage insurance could be one—are very small compared to the ball that I am asking Members to keep their eye on—trade promotion authority.

As the Chairman of the Federal Reserve Board said regarding trade promotion authority and freeing up trade around the world, as a result of the agreements we last endorsed in this body, the North American Free Trade Agreement, 1993, the Uruguay Round of Tariffs and Trades, 1994, those have helped reduce costs to the American consumer by $4,000 for a family of four.

That is equal to more than we have given in tax cuts in recent years to American families. Think of the good that comes to the economy because we have an opportunity to export and our consumers have an opportunity to import. We have an opportunity to reduce costs because of increased efficiency. That is all going to come in the future, as it has in the past, 50-some years under the GATT arrangements, because we are going to give our President trade promotion authority.

That is what we want our eye kept on. This compromise on trade adjustment assistance is part of that compromise.

Mr. GREGG. Mr. President, I will say this quickly and then I will yield to the

Senator from Missouri and then to the Senator from Tennessee, but I rarely disagree with the Senator from Iowa. I consider him to be one of the best Senators in the Senate. He is certainly a thoughtful and effective Member of the Senate and a strong leader, especially for free trade. I certainly support his commitment to the trade promotion authority, but the price of that trade promotion authority should not be the creation of a brandnew entitlement which has explosive potential and is regrettably not a new idea. In fact, it is a very old idea. It is a European industrial socialist policy idea which has failed in Europe, failed in the old countries. We should not bring it to the new country.

I yield to the Senator from Missouri 5 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from New Hampshire. I say to my good friend from Iowa, I know he is a devoted, committed advocate of free trade. Coming from agricultural States such as his and mine, we know our farmers absolutely depend upon access to the world market to make sure they gain their return from the marketplace rather than from the mailbox. When we see trade decline, we see agricultural prices drop to terribly low levels.

I think the problems we have in agriculture are largely attributable to the collapse in Southeast Asia. We are only going to get the markets back and our income back and the costs of the farm bill down when we open up more trade agreements and see healthy trade with our partners throughout the world.

Having said that, I come to the floor as a very strong proponent of free trade. It is not just good for farmers; it is good for the people who work in the industries. The exporting industries pay 13 percent to 15 percent more than the nonexporting industries.

Our service sector is a leader in the world in exporting services of all kinds, and we benefit from that. When I go out to shop every day at home in Mexico, MO, or St. Louis or Kansas City, I have better priced goods and better quality goods because there is competition. I buy American-made goods every chance I can if they are available. But I know I am getting the best price and I am getting the best quality because they have to compete. So every one of us, as a consumer, benefits from the competition through increased choice and lower prices. That is why I think trade promotion is so important.

That is why I am so disappointed today to see the trade promotion bill has been hijacked. This is no longer a trade promotion bill; it is a welfare entitlement bill which talks about trade promotion, gives the President some authority, and then takes it away.

We failed to table the Dayton-Craig amendment. There were strong arguments made for that amendment: We can't give up our sovereignty.

Let me tell you what it does. It essentially says to any country that is even thinking about negotiating a deal with the President or his Trade Representative: Forget about it. Forget about it because whatever you negotiate with the President, the Congress can take it away when they come back. That essentially kills the authority of the President to negotiate a trade agreement, authority that previous Presidents have had in recent years as we made progress toward getting free trade.

I wish we would take the Andean Trade Promotion Act out of this bill. Everybody knows we need it. Today is the day one deadline occurs. We need to reassure our partners in the Andean region that we want free trade with them, to maintain it and not to see the tariffs come back. We ought to pass that and send this turkey back to get some wings and feathers on it so it will fly because this will not fly.

One of the amendments we have before us by the Senator from New Hampshire is just one step we ought to take to clean it up. As the Senator from New Hampshire has so eloquently stated, this is a brandnew subsidy without checks and balances. It does not guarantee that people will get the benefits and the economic opportunities that we should seek. There is no limitation based on necessity. The subsidy would go to an older worker who simply chooses to quit the rat race.

As the Senator from New Hampshire pointed out, you can get a wage subsidy for doing what you want—a former office worker could join her daughter's catering firm or a factory worker who treats a trade-related plant closing as an opportunity not to take an equal job in the community but to take early retirement, move to Florida, and maybe serve as a greeter at Wal-Mart or a groundskeeper at a golf course so he could have a couple of rounds of golf in and have a little wage subsidy.

I have nothing against that. I know some of my colleagues like to play golf, but I would sure hate paying them for their privilege of playing golf. My colleagues in this body who are good golfers do so on their own time, after they put in the 60-hour workweek, so it does not hold for them. But to encourage people without limit to do what they wish and take a subsidy along with the other entitlement programs is a bad precedent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. I thank the Chair and thank my colleague from New Hampshire. There are many other good arguments. I urge my colleagues to support the Senator from New Hampshire and help us go back to the job of cleaning this bill up to make it a trade promotion rather than an entitlement promotion bill.

Mr. GREGG. I thank the Senator from Missouri for his excellent thoughts, and I yield 10 minutes to the Senator from Tennessee.

Mr. THOMPSON. Mr. President, I strongly support the amendment of Senator GREGG. I think the debate on trade promotion authority is a classic example of something that used to be nonpartisan, as I understand it, and that is trade—as was the consensus I thought we developed that I believed was a good thing for our country. It is also an example of how often nowadays it seems we are asked to do some bad things in order to do something that is any good.

We are urged to keep our eyes on the ball, which is trade promotion authority, they say. I hope we all agree that free trade is good, that trade promotion authority is good. I think standing by itself it would pass overwhelmingly. But I am beginning to wonder what the ball is.

If, in fact, we are taking the first steps toward the Federal Government sending somebody a check for their insurance coverage, if we are taking the first step toward the Federal Government providing a wage differential for this group, that group, and then the next group—to me that is the ball. As important as trade promotion authority is, I am not sure I am willing to do that evil in order to do the other good.

If the idea is to load down something that is so clearly beneficial to this economy and this country such as trade promotion authority, the Andean trade agreement, with so many things that are so onerous that it is going to defeat the underlying bill—if that is the purpose, I think those who seek to carry that out are very close to accomplishing their goal.

It would be a pity, it would be a bad thing for this country, but I am afraid that is what we are looking at. Trade promotion authority and the Andean trade agreement are being held as hostages for a series of new entitlement programs, which really have nothing to do with trade but have everything to do with a social agenda which, as the Senator from New Hampshire pointed out, has failed in other parts of the world. While they are scrambling to try to be more like us, we are scrambling to try to be more like them, it seems.

If there is anything we ought to agree to in this body, it is the importance of trade promotion authority and the Andean trade agreement, at a time when our friends to the south of us, the Colombian Government, are about to be taken over by narcotraffickers, if they have their way, and have the first narcogovernment in our hemisphere instead of the democracy that is there now. Is anything more important than stopping that? I don't know.

We have a relationship with the Government of Ecuador where we have a forward operation location to assist us in drug eradication. Fighting drugs, terrorism, there is nothing more important than that. And everyone knows we need to have a trading relationship with these folks who are trying to do the right thing, trying to impose the rule of law and other beneficial things that we stand for in their countries,

and yet that is being held hostage to these new entitlement programs.

The amendment of the Senator from New Hampshire, of course, has to do with one of the more onerous ones, which is an open invitation to outright fraud and abuse. Every year we come up with new assessments of how many billions of dollars we pay out to people who are dead or who are defrauding the Government or whatnot. This is an open invitation to do that. It is a program that would make the European leftists blush, and yet we are trying to move in that direction. But it is only one part of the onerous provisions that have loaded up this trade promotion authority bill.

So in order to do something good for our country, good for consumers, good for folks in Tennessee, who go to the store and want to buy goods a little bit cheaper—in order for us to do that, we are being asked to sign off on a bill that would triple the cost of trade adjustment assistance. We all agree that we need some trade adjustment assistance, but now we are being asked, in a time of deficit, in a time of war, to triple this program for this 2 percent of workers.

For this constituent group, in this election year, we are being asked to do that, to give this group of people—this small group of people—an additional 6 months of unemployment compensation. The average guy who gets laid off gets 6 months. So now this 2 percent would get up to 2 years. So this group goes from 6 months to 2 years, and it expands the number of reasons they do not have to undergo any additional training.

Trade assistance was originally designed as a training program to help people get a new job. This bill has over a half dozen exceptions where people do not even have to take training, including a provision that says you do not have to take training if there is another comparable job. If there is another comparable job, why do you need trade assistance anyway?

This bill would expand coverage to secondary workers, double or triple the number of people eligible. It creates a new program to pay farmers when commodity prices are below 80 percent of the previous 5-year average and imports contribute in part to the decline in price.

We just passed $190 billion in entitlement spending for farmers in the farm bill. This, in large part, duplicates that. There is a new program, a new bureaucracy in the office of the Department of Commerce. This program duplicates existing programs that provide assistance for communities. And it is a new bureaucracy in the process.

All of this is at a cost of who knows what. Estimates have been all over the lot, but they are all based on assumptions that people would participate in this new program at the same level as they participated in the old program. This is a much more generous program. It stands to reason a much higher percentage of people are going to participate in it.

So you are probably looking at $1 billion, or between $1 billion and $2 billion a year for a 10-year period, something like that, for something that could never pass on its own, something that no one would have the temerity to put in a piece of legislation. It is only because you are trying to hold free trade hostage, the Andean trade agreement hostage to this new group of entitlement programs.

If this new wage guarantee provision, for example, really works out the way we are talking about—that it is open and rife with waste, fraud, and abuse—what are the chances of this new entitlement program being canceled? Zero. It never happens. It never will happen. What are the chances of it being expanded? Pretty good. It is up to $5,000 now for the wage differential. What are the chances of that coming in and getting more and more generous?

Look at where trade adjustment assistance has gone from when it was first passed to what is being proposed today. No one ever dreamed, when trade adjustment assistance was first passed, that somebody would be proposing that we would do things in terms of 70 percent of their COBRA or wage differential, or all these other things that are being proposed. The same thing will happen with this new list of entitlements.

So I strongly urge adoption of the Gregg amendment. It would make a bad bill a little better. There are many of us who are tussling and grappling with something—and that I think all of America should be grappling with—and that is the balancing off of something so important as giving the President authority to get into the 21st century a little bit, and become a leader in this country, as we are supposed to be, in free trade, put our money where our mouth is, giving him trade promotion authority that our Presidents have had up until President Clinton, and get on with it.

If we cannot compete in this world economy with all the advantages we have, I will be very surprised. We should not be afraid of it. As important as all that is, however, I am afraid there is an effort here to saddle it with things that are bad for this country, that are the camel's nose under the tent, things that would never pass on their own. I say we have to keep our eye on the ball.

We are going to hold free trade hostage. We are going to hold our friends in our hemisphere—whom we ought to be trying to do everything to help—hostage in order to get a new array of social programs and guarantees and things that are old and tired and have failed in other parts of this world and should never be started in this one.

I yield the floor.

Mr. GREGG. Mr. President, I yield 10 minutes to the assistant leader, Senator NICKLES.

The PRESIDING OFFICER. The assistant leader is recognized.

Mr. NICKLES. Mr. President, one, I compliment Senator THOMPSON for the speech he made as well as Senator GREGG from New Hampshire for this amendment.

I urge my colleagues to support this amendment. This amendment would strike the wage subsidy program. I am glad we are going to have an up-or-down vote on it; and I hope this amendment will be adopted overwhelmingly, because this wage subsidy program is a bad idea.

There are a lot of bad ideas floating around. The Senator from Tennessee just mentioned a couple of them. It bothers me that evidently the Democrats who put together this package—and I say that because the Trade Adjustment Assistance Program passed in the Finance Committee without adequate discussion. We spent all day on trade promotion authority, and trade promotion authority passed, 18 to 3 in the Finance Committee. Trade adjustment assistance was rushed through the Committee. The two hour rule was raised and some would even question whether we finished it in time because of this objection, and whether it passed too late. There was not enough discussion. I am on that committee.

Well, what is it? It is the Federal Government saying: if you lose your job, presumably because of trade, and you take another job, the Federal Government will come in and pick up half the difference if your second job is less money.

I would like to have colleagues who support this come and defend it. Why are we doing this for so many of people? I question the wisdom of the proposal.

I will just give you an example. What if you are a Senator whose wife just happens to work. Maybe it is a high-tech firm, which closes. Someone could say it was because of trade that it closed. And so she became unemployed, or became reemployed, and took a lesser paying job. So Uncle Sam is going to write my spouse a check for $5,000.

As the Senator from Tennessee said, this is just an opening round. Proponents will attempt to expand this program, should it pass. Why are we going to have the Federal Government setting wage rates? And guaranteeing these wage rates? How ridiculous of an idea can it be? How socialistic can it be? Maybe people don't not like to use that word, but socialism is the Government setting wages and prices. This is pretty socialistic.

I am embarrassed as to how bad this idea is. I compliment my colleague and friend from New Hampshire for raising this, pointing this out to the Senate.

There is no income test. We could be writing checks for people who could have $1 million in assets. Presumably, if they lost a job and then took a lesser job, Uncle Sam will write them a check for half the difference in many cases, even if they are millionaires. What kind of sense does that make?

I am embarrassed for the Senate. I am bothered by this process the majority leader has put in that says: To take up trade promotion, you also have to take trade adjustment assistance. Incidentally, when we are doing this, we will also put in a new wage subsidy program. We will have a brand-new benefit for trade adjustment assistance, including the Federal Government, for the first time ever, picking up 70 percent of health care costs not only for directly affected workers but for upstream workers as well, defined broadly enough to where no one knows how many hundreds of thousands of people might qualify for that benefit.

In addition, we will have a brand-new wage subsidy paid for by taxpayers. I have an interest. I have a son. I have three daughters. They are all taxpayers, and I am too. They don't want to pay for this benefit. Their taxes are plenty high. All of a sudden, we are talking about new entitlements for people. Where is the money coming from? We have a deficit now.

Somebody said: If passed, this new program is limited to $50 million. What proponents are trying to do is get this new entitlement started. Then we will see how much it costs 10 years from now, and supporters will probably try to raise the limit from $5,000 to such sums as necessary. You name it. Entitlements can grow like crazy. I would hate to think we would adopt this, and then 10 years from now find out we have a multibillion-dollar program and ask: Where did this come from?

This was a partisan proposal jammed in on top of trade promotion, basically extortion, saying, if you don't give us this, we will not give you trade.

The Senate needs to reject this proposal. This is a bad idea. When we talk about other countries, we encourage them to move to free markets. I am embarrassed that some of us are trying to move in their socialistic direction. Wow.

As a matter of fact, I had a constituent in my office a few minutes ago. He was listening to the Senator from New Hampshire. I told him I had to join this debate. I explained the amendment. My constituent's response was: I can't believe they are trying to do this.

This is about income redistribution where the Federal Government is paying wages, we will have a wage guarantee program. This is a wage subsidy program; that is exactly what this is. This is part of a very bad idea, a very bad process. It needs to be resoundingly rejected.

I urge my colleagues, Democrats and Republicans, to support the Gregg amendment and strike this brand-new entitlement program.

If there are proponents, I would love to have a dialog and find out how this will work and find out if a millionaire could benefit from this program; and find out if someone's spouse, who maybe is from a very wealthy family, if they could benefit from this program; or find out, if I was working for $50,000, and I happened to be over 50 and I decided to take a job for $40,000, if I can use that money to cover my golf bets. The Senator from Missouri mentioned maybe this is good for the golfers. I happen to be a golfer. I like that idea. But I have never thought of the Federal Government paying for my golf side bets.

I can't believe we are even considering this. What an embarrassment. This amendment should be passed, and it should be passed overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I understand the other side is going to yield 2 minutes to the Senator from Texas, and then we will go to 5 minutes to the Senator from Arizona. We are alternating.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, we yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as many of my colleagues know, I was asked by the White House and by the Republican leadership to try to negotiate a package that would allow us to pass trade promotion authority. In the process, I found myself in a position of having to either kiss an ugly pig on the mouth or send it off to the barbeque.

Through our negotiations, we were able to drop the steel legacy provision. We also were able to dramatically reduce the proposed wage insurance program, cutting its funding level from $100 million to $50 million and its authorization from 5 years to 2 years. But I am not going to stand here today and argue on behalf of the principle of wage insurance. I can tell my colleagues that as a conferee, I am going to oppose this provision, and I hope it will be removed.

I believe that our leader and Senator GRASSLEY and I are in the position where we have made an agreement, and therefore we must stick to it. I could stand here and say I am very unhappy that those who have entered into the agreement on the other side of the aisle nonetheless have found it convenient to continue to load more and more and more onto this wagon, to the point where the axle is about to break. But in my book, when you give your word, when you try to work out an agreement, when you try to make compromise work, you give up the luxury of coming back later and picking and choosing which provisions to support. In fact, it is sort of like fast track: you make a deal and you must stick by the whole package.

This afternoon we are going to have several votes. First, we are going to have a vote on Senator DODD's amendment, which effectively is the same amendment as the one offered yesterday by Senator LIEBERMAN. If that amendment passes, I am off this wagon. We also are going to have a vote on adding back the steel legacy provision. If steel legacy costs are included in this bill, I am going to do everything in my power to kill this bill, even though I am for fast-track authority and believe it is critical. You simply reach a point where greed and irresponsibility so overwhelm the underlying cause that you just cannot tolerate it.

There's a bigger point to all this, and that is the question of taking ownership. Quite frankly, I don't believe the chairman of the Finance Committee and the majority leader of the Senate have taken ownership of this trade promotion authority bill. I think we have had a game of piracy to try to see what can be gotten in return for this bill since they know that the President wants this bill and that it is in the national interest. They claim to be for the bill, but at every step along the way, we are having piracy committed against this bill.

I gave my word when I signed on to the agreement. Had I been the principal instead of the negotiator, I am not sure I would have agreed to our agreement. In fact, I probably wouldn't have. But I did. However, if these other amendments pass, if the deal is not kept, if it is clear that this piracy is going to continue, then at that point I would feel free to vote my conscience.

The point is that we have made an agreement. As appealing as it is to me to go back and undo the wage insurance part of it—a rotten, stinking part of it—I don't think that that would be responsible. But I will fight to get rid of this provision in conference and I hope that it will be dropped.

I have taken some degree of ownership of this bill, and feel a responsibility for it. For this process to succeed, I believe that those of us who want fast-track authority—the majority leader, the minority leader, the chairman of Finance, the ranking member of Finance, and those Senators who want this bill—have to begin to show some ownership of and responsibility for the bill as negotiated.

If we do not, and instead keep seeing efforts to pile on, we are going to kill this bill. For example, if steel legacy is added to this bill, it is dead. If the Dodd amendment, which is effectively the same vote we had on Lieberman, is added to this bill, we won't have trade promotion authority and I therefore will be off the wagon and out of the deal.

Today, I am in the deal. As I said, I have taken on partial ownership of the bill. When you sign on to a compromise, when you take partial ownership, when you take responsibility, it means you have to stand up for the deal and vote against even those amendments that you otherwise would support.

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

The majority leader is recognized.

Mr. DASCHLE. Mr. President, the Trade Adjustment Assistance Program dedicates a very small piece of what we gained from trade to help those people who lose from trade, get back on their feet, and that is really what this amendment does.

The current TAA program helps some people but does not address some of the key problems people face; it leaves out too many other people altogether.

We fix some of these flaws. When a plant shuts down or moves overseas, workers lose their livelihoods and families face the uncertainty of not knowing how they are going to pay for food or a mortgage, or take their child to the doctor.

This bipartisan agreement will provide these workers with the opportunity to go back to community college to learn some new skills. They will receive unemployment insurance and subsidized health care to help them get through the difficult times and help them get a new job.

To a 35-year-old worker facing a difficult circumstance of a lost job, this sounds like a potential lifeline. But for a 53-year-old closer to retirement age, and less likely to be able to transition into a new job or field, those benefits are largely an empty promise. And we know it.

That is why we have worked so hard to keep the wage insurance provision in the bipartisan package we negotiated with Senators GRASSLEY, LOTT, GRAMM, and the White House. This provision was part of our agreement, and it must be retained.

Wage insurance is a pilot program—that is all it is—to test a very powerful idea. It says to older workers, if you take a lower paying job than the one you lost, some of the money that you would have received in unemployment insurance will go to offset a portion of the wage loss you will suffer.

By helping offset the loss of taking a lower paying job, wage insurance discourages dependency and encourages work. Wage insurance is not just compassionate policy, it is smart policy.

By getting people back into the workforce sooner, wage insurance will reduce unemployment rolls and the overall cost to Government. In reality, the provision will cost nothing more than what the Government would have been paying in unemployment insurance because people will have to give up their unemployment benefits to get the wage insurance.

This provision is prowork and it enjoys broad intellectual support on the left and on the right. In 1998, partly because of the unintended effects of trade, Congress established the U.S. Trade Deficit Review Commission. Among the key members of the Commission were President Bush's Trade Representative, Robert Zoellick; Defense Secretary Donald Rumsfeld; and George Becker, former President of the Steelworkers.

This group doesn't agree on much. But wage insurance was one clear area of agreement. Here is what they had to say—a bipartisan commission:

> We recommend that Congress consider new ways to address the broader cost of job displacement. Such consideration should include assessing ways of filling the earnings gaps created when new jobs initially pay less than previous jobs. As discussed, wage insurance is one such option. It has the advantage of encouraging displaced workers to accept new jobs as quickly as possible.

Here is another voice:

> It would be a great tragedy were we to stop the wheels of progress because of an incapacity to assist victims of progress. Our efforts should be directed at job skills enhancement and retraining . . . and, if necessary, selected income maintenance programs for those over a certain age, where retraining is problematic.

That is not a Democratic Senator speaking. That is Federal Reserve Chairman Alan Greenspan. In case my colleagues missed the translation, ''income maintenance programs for those of a certain age'' is wage insurance. Alan Greenspan is talking about wage insurance. Wage insurance for older workers is exactly what we are talking about this morning.

Finally, from a think tank:

> The proposed wage insurance program would strongly encourage workers to quickly find new jobs.

I will repeat that because it may resonate with some of my colleagues on the floor.

> The proposed wage insurance program would strongly encourage workers to quickly find new jobs.

That quote comes from the Heritage Foundation, and it comes as yet another endorsement of this amendment.

Older workers who lose their jobs and are struggling to find a new one have enough uncertainty to worry about. They should not also have to worry about whether they can afford to take a new job. The wage insurance provision gives workers something more than an empty promise.

We already scaled this proposal back from $100 million for each of the next 5 years to $50 million for 2 years. But we cannot afford to lose it entirely. It is a central component of the bipartisan agreement we made with Senators GRASSLEY, LOTT, GRAMM, and the White House.

I urge my colleagues to keep this agreement intact and reject this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I urge my colleagues to support the amendment of the Senator from New Hampshire to strike this wage subsidy provision from the bill. In my view, if it stays in the bill, it could well sink it. It would be difficult for me to support the bill on final passage if this provision is in it, notwithstanding my support for the bill. I admire the Senator from Texas because he was part of a group that negotiated portions of this bill that would be on the floor before us. He feels committed to supporting the version that was negotiated which includes this provision. Of course, he should do that. I think he also makes a good point to suggest that others who may be supporting other amendments need to keep their commitment in mind.

But the statement here reminds me a little bit of the old politician that said that it is important for us to always stand on principle and, in certain situations, to even be able to rise above principle. That is what is involved here unfortunately. The principle is to have a free market with labor and capital, people freely able to be hired. And it is possible sometimes through government decisions that people lose their jobs, through competition that people lose jobs. It is even possible that if there is a tariff reduced as a result of a free trade agreement, that could result in somebody losing their jobs.

People lose jobs for all kinds of reasons. The question, though, is whether or not we should make an exception and provide that certain people who work have rights more than others and are entitled to certain kinds of subsidy benefits in their wages as a result.

If we decide that is a good idea, how are we going to explain to other workers that we are leaving them out in the cold? The reality is that this is a foot in the door that will create an argument for everybody, regardless of their circumstance, to have a wage subsidy like certain other countries in the world of GATT, competitors of ours who cannot compete as well because they have these kinds of government subsidy programs for wages. In fact, it is a transfer of payment from hard-working Americans, middle income Americans, to those who are more wealthy. It is blatant discrimination against hard-working Americans, an invitation to fraud and abuse. As I said, it is a very dangerous step toward Government control. It is theoretically capped, but we know the initial expenses will be a drop in the bucket compared to what it will cost over the years.

Other constituencies will soon demand their own form of wage insurance, whether subsidies or other wage controls, and I think it would be virtually impossible to say no to them once we have established the principle. That is what I am talking about here—principle. There is no limitation in this program based upon necessity. It is available to dislocated workers who simply choose to quit the rat race and take an easier job. There is no training requirement, and that was always a component of the program that has been supported here in the past by the Senate. The Trade Adjustment Act has always included a training component to train displaced workers for new and better jobs.

But this wage subsidy program circumvents that and allows certain workers essentially to opt out.

There is no consideration in this provision of whether there are suitable jobs available in similar circumstances. The older displaced worker is free to take the job, earn an entitlement, regardless of whether equivalent work is readily available. For whatever reason, family health or personal preference, the individual is free to pull up stakes and move anywhere in the country, take a job, and receive the subsidy.

There are some who suggest that would benefit my sunshine State of Arizona. It would be pretty nice to quit the job in the Rust Belt and move to Arizona because of the subsidy provided in this bill.

There is no protection against fraud and abuse. There is a perverse incentive in this provision for employers to reduce the wages they pay knowing the Federal subsidy will supplement their workers' income and make up the difference.

There is no requirement the new employer and employee be at arm's length. This is a very critical provision rife for potential fraud and abuse. There is no inquiry permitted as to whether the new job, perhaps with a family member or friend, is a legitimate consequence of the displaced worker having to leave his former employment. Because the U.S. Government makes up the difference in wages, it is, as I say, rife with potential for fraud and abuse.

We ought to go back to principle and not politics.

The PRESIDING OFFICER. The Senator from Arizona has used 5 minutes.

Mr. KYL. I suggest my colleagues support the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I yield myself 6 minutes.

Mr. President, I thank Chairman BAUCUS and Ranking Member GRASSLEY for their superb work so far on the trade bill.

These are complex matters of policy, with potentially far-reaching consequences, that we are dealing with on this bill, and our two leaders on the Finance Committee have led us with foresight and wisdom. It is so important, as always, that we carefully balanced both the positive and the negatives of the legislation at hand.

As a member of the Finance Committee, I have taken our role, as Americans, in the global economic picture very seriously. Our leadership is crucial to the success of any efforts to open markets, whether in a multilateral forum such as the World Trade Organization, or in a regional context, such as a proposed western hemispheric arrangement. And let us make no mistake about the absolute need to open markets, to ensure the freer mobility of capital, to guarantee everyone a chance at a more prosperous and more stable future.

The underlying trade bill helps us meet this need, helps us fulfill our vital role as the global economic leader, by extending to the president the trade negotiating authority he needs to undertake more effectively the multilateral and other important negotiations that a stable global economy will require.

Once the President has negotiated an agreement, he brings it back to us for our consideration. If we support the agreement he has negotiated, then we take another step into the future by opening more markets and further growing our economy.

But the underlying trade bill also meets another highly important need: it gives us the resources and the authority to respond to those workers and those firms that will inevitably be displaced by the growing, changing economy.

The wage insurance provision of the trade adjustment assistance package helps us do just that. It offers a helping hand to older Americans who have lost their livelihoods to the inevitable dislocations increased trade creates. It does so by recognizing the obvious reality that a time consuming return to school for job retraining may not be in the best interests of older workers who are close to retirement age. It also recognizes the reality that older workers have a much harder time than younger workers re-entering the job market, particularly at the same income level they enjoyed previously. It meets the needs of these older workers by allowing them to insure wage loss. To receive the benefits of wage insurance, the older worker foregoes the additional income support he could otherwise receive if he or she went back to school. Thus, the worker receives benefits while he or she re-enters the job market and without having to go back to school, which, again, for this worker may not be the best option given his or her age.

I strongly support the wage insurance provisions of this bill, and I would also have supported an even more generous version of this provision.

Yet, with this trade bill, we have all made compromises, for the sake of getting a good, comprehensive piece of legislation to send to the President's desk. Wage insurance is a much needed part of the TAA package. It is fair and it is responsible.

I urge my colleagues to vote against the Gregg amendment as we proceed to that vote and remember that there is not a one-size-fits-all, but that all of our workers need the special attention and the ability to move within the workforce in a way that is conducive to them, to their lifestyle, and particularly to their age. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Did the Senator yield back the remainder of time?

Mrs. LINCOLN. Yes, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will make my statement and then we can go to the vote.

First, I thank the many Members who have come to the Chamber and supported this amendment. There have been a number of points made that I think have been extremely appropriate as to the failure of the language in the bill and the need to have this amendment to correct it.

I want to respond to a couple points made by the Democratic leader. First, this issue of the deal. A number of Members spoke and said this is a lousy idea. It is really not a very good policy, the concept of paying people to take less productive jobs, having the taxpayers pay people to take less productive jobs. This is not good policy, but I have to be for it because there was a deal agreed to.

As far as I can tell, there were only six people in that room at the most. So maybe those six people have reached an agreement, and around here, if you give your word, you have to stand by it. I respect the people who came to the Chamber and said they are going to stand by their word.

For the rest of us, we should look at the policy of whether or not this is a good idea, and it is not. It is called a pilot program, and the Democratic leader said it was a pilot program for which they wanted $100 million, and they agreed to $50 million over 2 years. As he described it, it is a central component of the understanding they reached.

Mr. President, $50 million is a lot of money, but around this building, it does not even deserve an asterisk. So there is something more at work. We are not talking about $50 million if it is a central component of the agreement. We are talking about something people expect to expand radically over the years. This is a brandnew major entitlement which will expand dramatically. It is not some benign little pilot program. If it was, it would not be a central component of this agreement. Thus, this attempt to dismiss it is as something marginal clearly does not fly, even though it is alleged to be a pilot program.

There was also a statement made that this is an attempt to benefit older workers. Actually, the language of this bill does the exact opposite. We have on the books the age discrimination language which says you cannot discriminate against somebody in their job who is over 50 years old.

We have on the books laws which say that older workers should be given deference and should be allowed to retain their jobs and should be allowed to improve their position in the workplace and should not be discriminated against because of their age.

This amendment says exactly the opposite. It says to the older worker: When you lose your job due to trade, we are going to say you are not capable of getting a better job; we are going to tell you go find a lesser job, and then

we will pay you from the other taxpayers of America $5,000 to do that.

It takes the theory of ''you cannot teach old dogs new tricks'' and says: Not only can you not teach old dogs new tricks, but we are going to pay you $5,000 to forget everything you have learned and take less of a job.

It makes absolutely no sense in the context of the other laws which we have on the books relative to age discrimination. In fact, it flies in the face of years of attempts to make sure that as people get further into the workforce, they are not discriminated against.

Of course, as has been outlined, it has no structure to it, no controls to it. Under the trade adjustment concept, the whole idea is to train people who lose their jobs as a result of trade activity, to train them to get a better job, to give them opportunities to get a better job. This language says you should get less of a job. It reduces your employment capability. There is no training language in this bill. In fact, you cannot train under this bill. It basically rejects the training language of the trade adjustment language.

There is no requirement that you take a similar and suitable job. So if you have the ability to do something that is unique and you can take it across the street after you lose your job somewhere and get paid just as much or maybe even more, there is no requirement that you do that. If you would rather do something that maybe pays you a lot less because it is more socially acceptable to you, it is more in tune with your lifestyle—the example has been used of going and becoming an assistant pro at a golf course because you would rather play golf rather than work in a steel factory—you can do that; that is your right; you should be able to do that. Pursuit of happiness is part of our culture, but you should not get $5,000 from the taxpayers who are still working somewhere on the line to do it, which is what this bill tells you.

If there is a similar and suitable job, you are not required to take it. You are not required to remain in the community, which means it undermines the community. I talked at length about that last night. You are not required to have a need for the job. Your spouse could be making $100,000, $200,000, or $300,000. If you had a job where you earned $50,000 and you take a lesser job, you still get $5,000 from the taxpayers of America, even though your spouse may have a huge income.

There is no test relative to the manipulation of the system. An employer may be closing down one plant on trade adjustment language, opening up another facility in a different area, moving people into there, and getting a $5,000 payment. There is no language about that. There are no controls.

There is no control in the area of meeting the needs relative to, as I said, staying in the community. And there is no arm's length control. You could work within the family, for example, move from one job to another. Maybe your son runs a construction company and you are working for a steel mill and the steel mill goes out of business; you go to work for your son's construction company and the taxpayers of America would have to pay you $5,000. Those are the technical issues that lie with this question.

The bigger issues are these: No. 1, it is a brandnew entitlement with immense potential. No. 2, and most importantly, it undermines our basic philosophy of how we have had our economy structured the last 200 years.

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

Mr. GREGG. Therefore, I hope people will join me in supporting this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from Montana.

Mr. BAUCUS. On behalf of myself, Senator GRAMM of Texas, and Senator GRASSLEY of Iowa, I move to table the Gregg amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

I further announce that if present and voting the Senator from Virginia (Mr. WARNER) would vote ''no.''

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

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—58

Akaka	Edwards	Miller
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Gramm	Reed
Boxer	Grassley	Reid
Breaux	Harkin	Rockefeller
Byrd	Hollings	Sarbanes
Carnahan	Inouye	Schumer
Carper	Jeffords	Shelby
Chafee	Johnson	Smith (OR)
Cleland	Kennedy	Snowe
Clinton	Kerry	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—38

Allard	Campbell	Domenici
Allen	Cantwell	Ensign
Bennett	Cochran	Enzi
Bond	Collins	Fitzgerald
Brownback	Conrad	Frist
Bunning	Craig	Gregg
Burns	Crapo	Hagel
Hatch	McCain	Smith (NH)
Hutchinson	McConnell	Stevens
Hutchison	Nickles	Thomas
Inhofe	Roberts	Thompson
Kyl	Santorum	Thurmond
Lugar	Sessions	

NOT VOTING—4

Helms	Murkowski
Lott	Warner

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that immediately following the last vote today, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill, and that it be considered under the following limitations: that there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of the chairman, Senator BIDEN, and ranking member or their designees, 90 minutes under the control of Senator WARNER or his designee; that no amendments or motions be in order—I understand there has been a change in plans. I withdraw that proposed request.

Mr. President, I ask unanimous consent that in the sequence of the amendments to H.R. 3009, the next three Democratic amendments be Nelson of Florida regarding dumping, Corzine regarding services, and Hollings regarding TAA expansion.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, might I inquire of the Senator from Nevada, are these the three amendments that you would put following the list of amendments that were agreed to yesterday?

Mr. REID. The Senator from North Dakota is correct.

Mr. DORGAN. Mr. President, I want to try to understand also, the previous unanimous consent request of the Senator from Nevada, which he has withdrawn—is it the Senator's intent, with the subsequent unanimous consent request, that we move off the fast-track bill and on to NATO expansion? And if so, what would be the length of time we would be off the fast-track bill?

Mr. REID. It is my understanding, I say to the Senator from North Dakota, that we will do 2½ hours on this tonight and return to the fast-track bill tomorrow.

Mr. DORGAN. With votes, Mr. President? I inquire, will there be votes tomorrow?

Mr. REID. The majority leader announced yesterday there likely will be votes tomorrow. So I say to my friend from North Dakota, I know his concern is we have a long list of amendments and are we going to get to all the amendments.

I say to my friend from North Dakota, we are doing our very best to

work our way through these. And the majority leader has said publicly, and on a number of occasions, he wants to allow people to have the ability to amend this. I have not heard the leader say at any time that he is contemplating, in the near future, a motion for cloture.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might continue to reserve my right to object, yesterday, we created a sequencing of amendments. I was not consulted in that. I was on the floor expecting to be recognized following the Gregg amendment. And then the Senator brought to the floor a sequencing of amendments that has me somewhere following some very big, lengthy amendments that are going to take a lot of floor time.

I was surprised by that and not consulted about it. So if we are going to sequence amendments—I regretted it all the way to work this morning that I did not object yesterday. I think the way for us to do this, of course, is to consult with each other. Since I was on the floor expecting to be able to offer an amendment, and talked to the appropriate staff about doing so, I was very surprised about the sequencing that came yesterday. But I don't believe it is the fault of the Senator from Nevada. It is not my intention to suggest that. But if we are sequencing things, let's consult with everyone first.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from North Dakota, he is not alone. There are a number of other people who have come to me today asking why they are not higher than the rest. But I do say, we have a lot of amendments, and certainly there was no intent to, in any way, discourage or prevent the Senator from North Dakota having his amendment heard. In fact, it is my understanding that the Senator from North Dakota has other amendments that he wishes to offer. I apologize to him, and others, that perhaps we could have done more consulting with others, but we didn't, and we are now in this posture. We will try to do better in the future.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is not about being higher on the list. It is about, if there is going to be stage management here, then there should be consultation on how we are going to manage the stage. I was expecting to be, and was told I would likely be, recognized following the Gregg amendment.

Look, I am where I am at this point because of the unanimous consent request that I should have objected to yesterday and did not. I only point out, as we proceed, it would be helpful to consult with the rest of us. If not, I will be constrained to object on future unanimous requests.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Connecticut is recognized to offer an amendment.

AMENDMENT NO. 3428 TO AMENDMENT NO. 3401

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LIEBERMAN, proposes an amendment numbered 3428 to amendment No. 3401.

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

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

The amendment is as follows:

(Purpose: To clarify the principal negotiating objectives of the United States with respect to labor and the environment)

Section 2102(b)(11) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) to ensure that the parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and strive to ensure that such labor principles and the core labor standards set forth in section 2113(2) are recognized and protected by domestic law;

''(D) recognizing the rights of parties to establish their own labor standards, and to adopt or modify accordingly their labor laws and regulations, parties shall strive to ensure that their laws provide for labor standards consistent with the core labor standards and shall strive to improve those standards in that light;

''(E) to recognize that it is inappropriate to encourage trade by relaxing domestic labor laws and to strive to ensure that parties to a trade agreement do not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their labor laws as an encouragement for trade;

''(F) to strengthen the capacity of United States trading partners to promote respect for core labor standards and reaffirm their obligations and commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;''.

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my colleague from Connecticut, Senator LIEBERMAN.

Before I get into the details of the amendment and why I think it is an important amendment, let me state what I think many of my colleagues may have been aware of over the years.

I have been a longtime advocate of promoting free and fair trade throughout my tenure in this body of more than two decades. I have historically supported the granting of fast-track authority. I voted for trade agreements that have resulted from that authority. So the Member who offers this amendment is one who has a strong record over the years of advocating and supporting expanding trading opportunities.

I come from a State that has been tremendously dependent over the years on export markets for the health and well-being of the people who live there.

I say that as a background so you understand what my thinking is about this amendment, and why I think this amendment is so important to people such as myself who have been supporters of trade agreement. The adoption or the defeat of this amendment could have a profound effect, I say to my colleagues, on someone such as myself, who likes to believe that we have progressed, over the years, in trade agreements, expanding and fighting for the rights that we demand not only for our own citizenry but in trying to expand around the globe to benefit and improve the quality of life for people elsewhere with whom we have trading agreements.

What I have observed over time is that the evolution and the content and scope of these agreements, their depth and their breadth have grown dramatically since I first arrived in this body more than 20 years ago. No longer are we simply dealing with tariffs and duties and quotas to be levied on tangible goods. That was the case when I arrived. But because good people in this body, of both parties, over the years have fought to expand what would be a part of these agreements, we have improved dramatically these trading accords.

We now deal with virtually every facet of our economy. The process has evolved. And matters once totally outside the realm of trade agreements no longer are. And that is good news for America.

I am thinking, for example, of the NAFTA agreement, which I supported and which passed the Congress only after the Clinton administration negotiated side agreements related to labor and the environment. Those side agreements were controversial to some in this body, but they were so essential to the passage of NAFTA.

Throughout my 20 years in the Senate I have been a strong supporter of trading agreements and fast track.

I am very proud of my record of support for these agreements. It has been a critical issue for my State and the country. You are not listening to a Member who historically has objected every time a trade agreement or fast-track authority has come up. Quite the contrary, I have been one who has stood in support of these agreements because I believed they were in our country's best interest.

Over time there has been an evolution in the content and scope of these trading agreements—that has been wonderful news for the United States—as their depth and breadth have grown dramatically. It used to be we just negotiated agreements that dealt with tariffs, duties, and quotas on tradeable goods. That was it. You didn't consider anything else.

Those days are long since past. We now deal with virtually every facet of

our economy in the context of trade negotiations. The process has evolved, and matters once considered totally outside the realm of a trade agreement no longer are. I am thinking of NAFTA, which I strongly supported, which was an important agreement that passed the Congress only after the Clinton administration negotiated side agreements relating to labor and the environment. Those side agreements were controversial to some in this body, but had they not been included, we would never have passed NAFTA.

That is a fact.

What I am saying about the amendment I am proposing—I will get to the details in a minute—for people such as myself, the adoption of this kind of an amendment is critically important to our votes when it comes to final passage. Maybe they are not necessary, but I would hate to think as we begin the 21st century that we would take a step back from exactly the progress we have made in the latter part of the 20th century when it comes to trading agreements. That is all I am suggesting we do here: To maintain this progress as we go forward.

More recently, both the House and the Senate unanimously endorsed the United States-Jordan Free Trade Agreement. The Bush administration in fact urged Congress to do so. The Jordan agreement broke new ground and set a standard, a floor by which other agreements will be judged as they relate to the support and protection of core internationally recognized labor standards.

The United States-Jordan Agreement also contains a mechanism to resolve disputes related to violations of the terms of the agreement, including violations of labor rights equal to violations that in the context of commerce and other economic transactions between our two nations. The Jordan agreement was very forward looking, dynamic, and supported by 100 percent of the Members of the Senate. As part of that agreement, the United States and Jordan pledged not only to uphold existing domestic labor laws in conjunction with the trade agreement, but we also recognized that ''cooperation between them provides enhanced opportunities to improve labor standards'' in the future.

Last week, King Abdallah of Jordan was in Washington. Many of my colleagues had an opportunity to see him. The Middle East crisis was foremost on his mind for obvious reasons. He also took the time to mention that the implementation of the United States-Jordan Free Trade Agreement was working very well. For those who may say this places onerous burdens on developing countries, Third and Fourth World countries, and this is too difficult a task, King Abdallah of Jordan made the point that the United States-Jordan Free Trade Agreement was working extremely well.

No one expects every country with which we will be entering into negotiations to have the same standards and protections the United States has with respect to protection of workers' rights, just as they don't have as well developed patent and copyright laws or environmental standards. We know that. But we do believe that if every country had identical standards and practices, negotiations would be unnecessary.

The purpose of engaging in negotiations and reaching comprehensive trade agreements is to encourage other nations to stretch themselves to do more in these areas. Trade agreements should be viewed as a dynamic process for ratcheting up global standards across the board.

The Jordan standards, unanimously adopted by Members of this body, are a mechanism for making that happen in the labor sector.

One of the reasons I am offering the Jordan standards as a part of this bill is that they passed 100 to nothing here. There was no debate about whether or not these standards ought to be included in that agreement. My concern is, if we don't raise the level on this trade authority, we will be taking a step back.

My amendment merely takes three provisions of this agreement and incorporates them in the underlying bill. I commend the committee because they took three of the provisions of the Jordan free trade agreement included them in the legislation. But in the absence of these three I will discuss shortly, this is a flawed proposal.

For those reasons, my amendment ought to be adopted. We don't expect everyone to have the exact standards we do. But we think these rights are not just unique to this country. We think the people's right to collectively bargain, the people's right to be protected against child labor are good standards. These are standards we want the rest of the world to try to reach.

We don't want the world to hire children to produce products that are sold in America. We want the environment to improve not just in our own country but around the globe as well. By including the standards in the Jordan agreement in this agreement, we advance the very cause of those ideals which we have championed as a people, regardless of party. In many ways it has been the bipartisan insistence on these inclusions that has made them so important and so dynamic for the rest of the world.

Is there any doubt that it is in the economic and foreign policy interests of the United States to encourage respect for workers' rights, abolish child labor, or to protect the environment? Those ought not belong to a party, they belong to a Nation. Is there any doubt that governments that treat their workers with respect, that allow them to freely associate, that have adopted laws against child labor, that have established minimum wage standards, are governments that tend to be strong and stable democracies, or that governments that don't value and protect their citizens are generally tyrants who are not only a threat to their own citizens but to their neighbors as well?

President John Kennedy once said that a rising tide lifts all boats. The growth in international commerce can certainly be that rising tide. But it will only lift all boats if we ensure that increased trade goes hand in hand with respect for internationally recognized labor rights and have a shared commitment to making the lives of working people better. That is why I believe it is so critical that we send a clear signal that we truly are seeking to get our trading partners to adopt standards that our friends in Jordan readily agreed to and find are working extremely well.

What an irony it would be that we demand it of Jordan, a country with all of its difficulties, with a remarkable leader in King Abdallah who finds he can live with it, and we turn around, after a unanimous vote in the year 2001, passing the United States-Jordan agreement, and adopt a trade accord here that would allow us to take a walk away from the very standards that only months ago we applied to the nation of Jordan.

The Jordan Agreement is living well with the agreements and standards we applied there. To now take a hike on the standards we agreed to under Jordan, and to say to everyone else that they get to adopt a lower standard would be a tragedy. This agreement ought not to be adopted if we exclude these provisions that we have already adopted 100 to nothing in the Senate only a few short months ago.

Let me explain what the amendment does. It is not complicated. It is very straightforward. My colleagues will understand this is not an exaggerated, new idea. I am merely taking the language that already exists, that was adopted unanimously in the year 2001.

The amendment, for those who want to follow the details of this, would modify section 2102(b)(11) of the underlying managers' amendment as it relates to the principle trade negotiations with respect to labor by adding language drawn from the United States-Jordan Free Trade Agreement. The language proposed in my amendment is an addition to the language included in the managers' package.

I commend the managers. They did include language, very specifically, from the United States-Jordan Free Trade Agreement in this bill. That is very helpful.

But we are missing some language here. Let there be no doubt. When you are dealing with traders around the world, they will make clear note that the absence of language was not a mistake, not some oversight; the intentions are quite clear that all of a sudden we are changing the rules of the road. I don't think we want to send that message.

So I know there will be arguments that the United States-Jordan Free

Trade Agreement is included entirely in this bill. It is not at all. I commend the managers for what they have done. The managers were working, of course, from the House version of this bill. That placed certain constraints on them in committee. I hope that the full Senate will act on this matter now, so we can be more flexible and fully reflect the important precedent set by the United States-Jordan Free Trade Agreement in the areas of labor and the environment.

I have prepared a chart that replicates article 6 of the United States-Jordan Free Trade Agreement. It relates to the obligations of the United States and Jordan with respect to labor. Let's look to the provisions of that agreement and compare it with the text of the bill and the additions my amendment would make to that text.

Article 6.1 of the U.S. Jordan Agreement, is reflected in section (C) of the pending amendment. This amendment would establish as a principal negotiating labor objective, the reaffirmation by parties of their obligations and commitments as members of the ILO—International Labor Organization—in the context of labor negotiations and in the context of future trade agreements and a commitment to ensure that domestic labor laws are consistent with the ILO Declaration on Fundamental Principles and Rights at Work.

What does that mean? It is a lot of language. It means, in the context of the negotiating process, that governments that are members of the ILO, of which there are 163—virtually everybody we are trading with—must be mindful of the obligations that have already been assumed as members of that organization. That is a radical thought, isn't it? It was signed on to by 163 countries.

We are saying, if you want to trade with us, we want you to live up to the commitment you made when you signed on. That is what we said to Jordan. We said: Look, you are a member of the ILO and we are going to say if you want to have a trading relationship with us—and we want it with you—we want to have clear language in the agreement that says you must live up to those obligations that you already signed on to. That is not exactly a radical point in this context. What are those obligations? To respect, promote, and realize fundamental labor rights, such as freedom of association, elimination of forced labor, abolition of child labor, and the elimination of discrimination with respect to employment.

I hope I will not have to debate in this Chamber, as we begin the 21st century, whether or not it is in the interest of the United States, when we enter trading agreements, that somehow we are going to sit back and remain silent when it comes to discrimination, child labor, and the right to promote respect or fundamental rights and the elimination of forced labor.

I don't think that is terribly radical for the U.S. in this century to be talking about having or advancing those standards in future trading agreements. So if you are going to defeat this amendment, understand we are going to step back to what we agreed to 100 to 0 a few months ago and to say to every trading partner we have, you can disregard this—disregard forced labor, child labor, and the notions of free association and the elimination or discrimination with respect to employment. I don't know of a single Member of this body, Republican or Democrat, who wants to be associated with a trading agreement that retreats from those very principles we have adopted in this body already. We are not asking these countries to do anything more than they are obligated to do as members of the ILO. That is all. This provision is not currently included in the managers' principal negotiating objectives, and I think it should be.

Let's look at the next provision. Article 6.2, embodied in section (E) of my amendment, namely, that the parties recognize it is inappropriate to seek a competitive trade advantage by relaxing or waiving domestic labor laws. I hesitate to even explain this one. We are saying we don't want you to step back in your own domestic laws in order to create a more favorable trade environment. That would be so damaging to our own country. We are saying, if you want to have an agreement with us, if you want to sell your products in America, you cannot start retreating on your own laws and putting American workers and American companies at a disadvantage.

We included this provision in the United States-Jordan agreement. We said we want a guarantee that you are not going to slip back and undo the laws you already adopted. You don't have to trade with us, but if you want to, we insist that you live up to the laws you have already written. That is not a radical thought.

Certainly, it seems to me that by excluding specifically that language from this agreement, having specifically ratified the trading agreement only a few short months ago, that we would be sending a signal with which I don't think many people in this Chamber would want to be associated. So it is extremely important.

What is the harm in including this provision? Do we support other countries gaining a competitive advantage over U.S. industries, businesses, and manufacturers by ignoring their own laws? I don't think so. And I certainly hope not.

Article 6.3 of the Jordan agreement is embodied in section (D) of my amendment; namely, to recognize the rights of parties to establish their own labor standards, but also the commitment to strive to ensure that their laws are consistent with the core labor standards, and that we should be trying to, over time, improve working conditions. Again, this doesn't seem terribly radical to me.

Articles 6.4 and 6.5 of the Jordan agreement are already contained in the underlying bill, as is 6.6, the definition of labor laws. Again, I commend Senators BAUCUS and GRASSLEY, and other members of the committee, for already taking the United States-Jordan Free Trade Agreement and including the provisions I have just mentioned.

So we have already set the precedent of taking the exact language of the United States-Jordan Free Trade Agreement and explicitly included some of the language in this bill. The obvious omission of the articles I have just mentioned, involving the points I have raised, I think, would be glaring in terms of our retreat from those principles we think are extremely important.

My comparison of the agreement with the underlying bill and with the provisions of my amendment show that this bill does not incorporate all of provisions in the United States-Jordan agreement. I believe that only with the adoption of this amendment Senator LIEBERMAN and I have offered can we fairly assert that there is parity between this bill and the United States-Jordan accord. Let's assume for the moment that you agree with the managers of the bill, that they have already accomplished Jordan parity. I might ask, what is the harm of accepting this amendment, which I clearly have shown is no more or less than what is in the United States-Jordan agreement? It seems to me by taking this additional language, we have done nothing to damage the statements made by the authors of this bill. I fail to see what great damage could be done to this bill or to the President's negotiating authority with the addition of a few additional negotiating objectives. There are currently 27 pages of principal negotiating objectives in the pending managers amendment, covering 14 areas, such as trade barriers, services, investment, intellectual property, e-commerce, agriculture, labor, environment, and dispute settlement.

I don't think we believe that U.S. negotiators will be successful in delivering on every single one of these objectives. But the point of including them is to encourage U.S. negotiators to pay attention to the issues of discrimination in employment, forced labor, and child labor. We think those are worthwhile objectives that should be payed attention to. If you can pay attention to e-commerce, to investments, to intellectual property, tell me what your rationale is for taking a hike and walking away when job discrimination, child labor, and forced labor ought to be on the table as well as part of our standards.

If it is OK to watch out for the banks, for the high-tech companies, how about watching out for people who have no one else to watch out for them and to insist that if you want to trade with America, sell your goods in Nevada, or in Connecticut, or in Texas, or anywhere else, at least you have to put these standards on the table.

So we urge adoption of an amendment to incorporate these standards, to encourage our negotiators to pay attention to these objectives that have been delineated, and send a signal to our trading partners that we care about them—at least the Senate does. Republicans and Democrats care about these issues. We care about trade, but we also care about working people. We care about them at home and around the globe. If you are going to have the luxury of selling your products and services here, for the Lord's sake, please pay attention to some things that go to human decency.

That is all we are talking about. That is why we truly believe our negotiators should be attempting to achieve standards that already apply. I suspect if I were offering this language for the first time, people would say I am breaking new ground. I am not breaking new ground.

In the year 2001, this Senate unanimously voted for the agreement. This body, at the urging of President Bush, adopted the United States-Jordan Free Trade Agreement, and the very standards written here are written into that law. Should we say to other countries we insist Jordan do something, but the rest of you can just ignore these important standards?

As I said earlier, our partners in negotiation are not foolish; they are not naive; they are not stupid. They are going to know there is a difference between this bill and the Jordan agreement. They are going to assume rightly—or, more importantly, wrongly—that there is a message sent by that difference. If we do not want to send such a signal—and I do not believe the managers of this bill do—then I think we should be careful with the language we incorporate here.

I believe, without the adoption of this amendment, the Jordan standards will not be fully on the table for discussion, and we will have missed a unique opportunity to insist they be a part of all future agreements.

Madam President, I urge the adoption of this amendment. It is not complicated. It is very straightforward. It is not precedent setting, and I think it is where America is. These are American values. If we can add standards in every other imaginable area to protect every financial interest one can think of, should we not also try to do something about kids who get hired to produce some of the very clothes people are wearing every day; shouldn't we see to it that job discrimination and forced labor are not going to produce the products we sell on the shelves of our small communities and large cities of this country? I do not think that these ideas are radical. They are about as American as it can get. I hope my colleagues will think likewise and support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, for the benefit of Senators, we likely will not have a vote on the Dodd amendment until about 4 o'clock today. The President, if not on the Hill, will be here shortly. A number of people are going to be meeting with him.

Of course, at 2 o'clock we are going to be in recess for the awards ceremony for President Reagan and Nancy Reagan, and we will not be able to vote until 4 o'clock.

I hope that when debate is completed, within whatever period of time it might take, we can have a vote at 4 o'clock, and if Senator KYL, who I understand is going to offer the next amendment for the Republicans, can debate his amendment for whatever time is left until 2 o'clock, and then from 3 to 4, and we can have two votes at 4 o'clock. That is what we would like to do.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I welcome the opportunity to discuss the Dodd-Lieberman amendment. The amendment is very similar to the Lieberman amendment yesterday in terms of its impact, though the approach is very different, so I will not belabor it. But I do want to make several points that I think are relevant to the amendment.

The first point is in response to Senator DODD's argument that the language he wants to impose on all future trade negotiations is identical to the language included in the Jordan free trade agreement approved unanimously by the Senate.

That argument assumes that one size fits all. It is similar to the argument I might make if I were going to try to buy a tire manufacturing company after buying a set of its tires. I might argue: You were willing to sell me a set of tires on credit without collateral. Now that I want to buy your whole company, how come you want collateral?

What worked for Jordan does not necessarily work elsewhere. I want to remind my colleagues that we rushed to approve the free trade agreement with Jordan because it was an important foreign policy action regarding a friend in one of the most unstable and difficult parts of the world in a time of emergency. It was in effect a foreign policy decision, not a trade policy decision. Indeed, our imports from Jordan are twenty-five one-thousandths of 1 percent of all imports coming into the United States. Trade, while not unimportant, clearly did not drive this agreement.

Yet Senator DODD's point is that if this language was good enough for Jordan, why is it not good enough as a general principle for all trading partners? That question kind of answers itself. If a signature on a note to buy a set of tires at a car dealership is good enough, why isn't the signature good enough to buy a car, or the car company? Because the situations are different.

The point is that a trade agreement with, say, Europe would be very different than a trade agreement with Jordan. In terms of trade, a trade agreement with Europe would be shooting with real bullets in terms of trade, jobs, and economic growth, because we already have a well-established economic flow between the United States and Europe. Such a trade agreement would not simply be about foreign policy. In contrast, we are just starting to increase our economic flow between the United States and Jordan, and the agreement quite clearly had a critical foreign policy component. Of course trade with Jordan is not solely about foreign policy. But to say that the principles we set forth in the Jordan agreement ought to be the principles that dictate every agreement we enter into in the future simply is not a valid analogy.

My second point is that the document before us is the result of long hours of labor by the Finance Committee. Now, I am not saying that the Finance Committee has cornered the market on wisdom or is infallible, but I will say that the Committee held numerous hearings and had days of debate. Eventually, we worked out a bipartisan compromise on these issues, and the bill was reported 18 to 3. The trade promotion bill approved by Finance is the bill that is supported by the administration and is broadly supported by every major element of the American economy.

In that bill, we achieved a balance that preserves the flexibility of the administration to negotiate different trade agreements depending on the particular circumstances. To suggest that somehow we do not deal with child labor is simply not valid. Labor issues are a factor through this bill. For the first time, we have an extensive negotiating objective in a fast-track bill dealing with labor and environmental issues. In addition, we have included language that refers to ILO conventions both those we have ratified and those we have not—on forced labor, minimum employment age, and similar matters. However, the bill as reported provides flexibility, rather than assuming that one size fits all.

I do not think there is one size that fits all in almost anything that government does, which is why so many of our programs fail. But even if there were one size that fits all, to suggest that the Jordan Free Trade Agreement, an agreement with a country that produces twenty-five one-thousandths of 1 percent of the products that we import, should serve as the mandate for all future agreements simply does not stand up to scrutiny.

In the Finance Committee bill, we have dealt with labor. We have dealt with the environment. And in both areas we have set standards higher than we have ever set before. To suggest that we ought to go back to one particular trade agreement approved in the midst of a crisis in the Middle East with a country that sells twenty-five one-thousandths of 1 percent of all

items we buy from the rest of the world, and make it the ironclad standard for every trade negotiation we enter into again from now on, seems to me to be putting us in the kind of straitjacket that we would not want to put any administration in. That is why the Dodd-Lieberman amendment is opposed by a broad cross-section of American business. It is opposed by the administration. It is opposed by the chairman and ranking member of the Finance Committee.

It is one thing to try to add to the bill a totally new matter that we have not dealt with before. But it is another thing altogether to come in now, on the floor of the Senate, and try to rewrite heart of the bill based on one agreement entered into largely for foreign policy reasons with a key country who happens to sell us just twenty-five one-thousandths of 1 percent of all imports that we buy. Given the current trade flows between the United States and Jordan, any error in the agreement probably would not cause profound economic damage to either country. Our trade flows are just not large enough. Our overall relationship was and is important enough to approve that agreement. It was a good thing to do, and I supported it. But that agreement cannot become the ironclad standard for every trade agreement from this point on.

A few points to sum up. This amendment is unnecessary and undoes the bipartisan compromise on labor issues. It is not as if we do not deal with labor issues in the bill before us. In fact, we dealt with them in great detail. They were negotiated extensively, and as a result we now have strong bipartisan support for the bill. To come in now and rewrite the labor section based on one trade agreement we approved during a foreign policy crisis with a country whose sales to the United States are minimal relative to total world sales is just not sound public policy.

Secondly, the amendment proposes a one-size-fits-all approach that takes the smallest size as the base. The fact is that right now, there are few countries in the world from whom we buy as few goods as we do from Jordan. More imports are bought by some cities in Texas in a month than are bought by the whole Nation from Jordan in a year. We all hope that the agreement will promote greater trade with Jordan. But the fact is that its sales to us will remain relatively small compared to the sales by the rest of the world. To use the Jordan Agreement as the standard and override the bipartisan compromise in a bill written to be as coherent and flexible as possible does not make any sense.

We are not in the welfare business when it comes to trade. It is one thing for a trade agreement to help a government in Jordan. But when we are negotiating trade agreements with the Europeans, or the Japanese, I want the agreements to help us. I want them to benefit from a trade agreement too, but my first concern is to make sure that we benefit. In this case, the negotiation with Jordan was for Jordan. But any negotiation with Europe or Japan should be for America. To apply a foreign policy-driven standard to such negotiations just would not be sound policy.

It boils down to one point: different negotiations require different approaches. Any negotiations with China, for example, would be very different from our negotiation with Jordan, just as buying a set of tires on credit is a little bit different than buying the tire company. When you're buying the tire company, you should expect standards that are vastly different in terms of obtaining credit.

I hope we will defeat the Dodd-Lieberman amendment. It basically tries to change the very heart of the bipartisan trade promotion authority bill through an amendment offered on the floor. This is the second time we are seeing such an effort. Yesterday, we had an effort by Senator LIEBERMAN to undo the bill. Today, we have a second effort by Senator DODD and Senator LIEBERMAN to undo the bill. I hope the same people who voted against the effort to undo it yesterday will vote against undoing it today.

I am proud of the Jordanian agreement, and I gave it my support. But it should not be the be-all, end-all standard for all future trade agreements. I do not think anybody thinks that it should. It may very well be that some colleagues with a certain bent on some issues like the language of the amendment better than the language of the bill. But the language of the bill is something that has been very carefully negotiated. So I would urge those who want a trade bill to vote against this amendment.

Let me conclude by stressing one point of concern. One of the things that has disturbed me for most of this year, and that has become very clear on this trade bill, is that increasingly people are not taking a proprietary position on issues that are of vital national importance. Certainly I am not trying to judge anybody else's motives, but it seems to me that we are seeing votes cast on this trade bill where, from the outside, it looks as if nobody is taking ownership of this critically important bill.

In the 24 years I have served in the Congress, I do not think I have ever witnessed a Finance Committee that could not defend its own legislation on the floor. We are seeing efforts to make wholesale changes that would undo the entire agreement. We have what is close to piracy where people are trying to load one more item on this wagon, and the wagon is now rickety and on the verge of running into the ditch.

Anybody paying attention to this debate knows that trade promotion authority at this point is almost dead. Now we have an effort to rewrite the heart of the bill's bipartisan language on labor, and impose a standard that we negotiated with a country whose trade with the United States is a fraction of the trade we have with the world. Under such circumstances, I will not be willing to pay the already great tributes of health insurance for unemployed that is paid by workers who do not have health insurance, and wage guarantees that are higher for the beneficiaries than the average wage of working people in the country.

If we truly want this bill to become law, then we are going to have to begin to take some ownership of the bill. We can start by defeating this amendment. Well intended though it may be, it is harmful because it makes the assumption that one size fits all, using a standard applied in an agreement driven by foreign policy to a nation whose sales by any measure are minor in the context of overall United States trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that once the debate concludes on the Dodd amendment—we are attempting to have a time set for this vote on the Dodd amendment. As I indicated earlier, we will be out of session from 2 to 3 because of the President Reagan and Nancy Reagan award, and other things will take place at 3 p.m. We will vote at 4 p.m.

Mr. GRAMM. On this matter or any motion related to it?

Mr. REID. Yes.

Mr. DODD. While we are waiting, my good friend from Texas and I have worked on a lot of things together. We disagree on this particular point.

For clarity purposes, we are talking about 27 pages of standards that are part of this trade promotion authority. We are talking about the addition of three principle negotiating objectives. It is not one-size-fits-all any more than it is one-size-fits-all on the other 27 pages of standards. We are taking, what is already partly in the bill, to the credit of the manager of this bill, several provisions in the United States-Jordan Free Trade Agreement. My colleague said this was a foreign policy document, not a trading agreement. If that were the case, why did we add provisions that expanded the concerns about child labor and discrimination in the workplace, forced labor, the rights of free association? If we merely wanted to do a foreign policy document, we would have had a barebones agreement with Jordan, if it was just to send a message that we wanted to be of some help. But, no, we incorporated collective wisdom and included the dynamic principles we care about into the Jordan Agreement.

This is about America. It is not fair to Americans who lose their jobs because of a trading agreement, where some other country can hire children, discriminate in the workplace or disregard the rights they signed on to in the International Labor Organizations. That gives them a tremendous advantage at the expense of America.

Jordan may be small; these principles are not small. They may represent twenty-five one-thousandths of 1 percent, but forced labor, child labor, discrimination in the workplace, and the right of association are not twenty-five one-thousandths of 1 percent of what Americans care about. We care about these principles. And we fight for them. We eliminated them in our own country years ago. We struggle every day to make them work, even in the 21st century. We are saying if you want the right to sell your goods in America, these are principles and objectives we think you ought to try to achieve. They are objectives.

The idea that we would exclude these objectives—I just don't understand the rationale of that. With 27 pages of objectives in this bill, that include objectives on e-commerce, investment, and many other standards—how about including some standards that apply to working people? How about that? Is that so radical a thought?

We have already adopted by 100 to zero a United States-Jordan Free Trade Agreement establishing principles, adding 3 more principles, to a 27-page set of negotiating objectives. Not every country is America. We are not foolish. We do not say you must absolutely meet the standard of the United States when it comes to job discrimination, child labor, forced labor. It would be ludicrous if I were to write and say you must absolutely achieve the same standards we have. That is unrealistic. We have not done that.

If I cannot write this into a trade promotion authority, where do I write it? Do I have to do it agreement by agreement by agreement? Why not just make this part of the principles of our negotiators? These are not radical ideas. All that I am saying is that as part of the principal negotiating objectives, including the provisions you already added from the free trade agreement with Jordan, these three Jordan standards ought to be included. It is not too much to ask.

I appreciate my colleague from Texas and his colleagues on the Finance Committee spending time getting their ideas incorporated into the bill. I am chairman of the Rules Committee, and a bill recently came out of the Committee. I had 100-some-odd amendments; 43 were dealt with on the floor. I was not offended. I prefer that everyone did everything I wanted them to do. I don't know a Senator who doesn't feel that way. The reason we have 100 Members representing 50 States is, people have a right to raise concerns and offer amendments. We are doing that.

I commend the committee for what they have done. The Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, have done a terrific job. It is not easy. They have incorporated parts of the United States-Jordan Free Trade Agreement. But they left out three that I think are important. I am merely suggesting, and I regret this requires a recorded vote. These are objectives, that is all. My Colleague from Texas mentioned Europe. We are worried about trading with Europe? Is this such a difficult job in Europe, with forced labor, child labor, and employment discrimination? I don't think so. The problems arise with smaller countries that are still emerging where the problems exist.

If, by requiring our negotiators to raise these principles, we might improve the quality of life of people in these developing countries, is that such an outrageous suggestion? Is that something that America should retreat from as a nation that takes pride in the fact we try to recognize the rights of all people? When our Founding Fathers wrote the cornerstone documents of this country, they didn't talk about these rights, those inalienable rights, only occurring if you manage to make it to America. Those inalienable rights are rights that are endowed by the Creator to all people. In the 21st century, to try to slow down the abolition of child labor, forced labor, job discrimination, and to suggest we ought to keep it out of this bill, this trade promotion authority, I don't think reflects who we are as a people. It is a step back from where we are as a people.

This is not one size fits all. We know fully well as we enter trading agreements, there will be nations that will do a better job or not as good a job in the areas I have mentioned. I don't think it is so radical to ask our negotiators to have these, along with the other 27 pages of standards. Every business interest in America is guaranteeing their interests are going to be negotiated when it comes to reaching agreements. What about working people? Why can't they be on these 27 pages, as they have in many places? I don't think it is a lot to ask by adding these three.

I urge my colleagues to support this effort. The role of the full Senate is not to be a rubber stamp. What I am offering I think is more of an oversight. The managers were dealing with a House version of the bill, and they added the three provisions of the Jordan agreement, and they left these three out. I think it is the intent of the managers to include the principal negotiating standards of the Jordan agreement. And really denouncing this because the country we negotiated with was small—these principles are not small; the fact we negotiated with a small country does not mean the principles are not large in the minds of the American people. We ought to make them principles, regardless of the size of the country with which we negotiate. It is a great tribute to the nation of Jordan, a small struggling country, one of the most crisis-ridden areas in the world, that they could live with these standards as part of the negotiation we entered with them. If a small, struggling country can accept this, representing one tiny percentage of our trading partners, then certainly larger countries should do no less.

Therefore, the very argument of my colleague from Texas when he says this is like arguing about the price of a tire when you try to buy GM—child labor, forced labor, job discrimination are not tires. Those are not just small consumer items in the list of human principles and values. We think they are important principles and they ought to be given a status—more than a sale of a tire on a car.

I urge my colleagues to join us in this and support this language and put it in the bill. It makes it a stronger bill, a better bill, a bill we can be proud of when we negotiate trading agreements in the future with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I listened very carefully to my good friend from Connecticut. I imagine people, while they are listening to him, are wondering what is this debate all about, really? Certainly none of us want to promote child labor. All of us want to discourage child labor. All of us, as Americans, with the values we have as Americans, want to promote our American values.

The question is, what is in this bill, what is not, what are we debating, and what are we not debating? Essentially, as I listen to my good friend, the Senator is arguing for the bill. What the Senator suggests is virtually what is in the bill. There is really not any difference. When I listen to the Senator, he makes it sound as if there is a huge difference, but there really is not.

First of all, we do incorporate the Jordan provisions in the underlying trade promotion authority fast-track bill that are labor and environmental standards. Let's remember, the Jordan agreement is an actual trade agreement; whereas today we are debating whether to give the President authority—along with passing the trade adjustment assistance and Andean Trade Adjustment Act—whether to give the President the authority to negotiate future trade agreements under a certain procedure.

There is a difference between a current, existing agreement that was negotiated—that is Jordan, on the one hand—and future agreements which have not been negotiated on the other.

The Senator from Connecticut is essentially saying the standards, exact language as in the Jordan standard, essentially should be the language that applies to environmental and labor provisions and dispute settlement provisions in all future trade agreements. Again, I think it is important to note that there is a difference between what is actually negotiated in an agreement and future trade agreements. That difference is very important.

No two trade disputes are exactly alike. No countries are exactly alike. The matters over which they negotiate are different. Each negotiation involves different issues, different complexities, and these require us to be

creative, to adapt, and not take—the common phrase is the cookie-cutter approach.

I also want to react to the argument of my friend from Connecticut who implied that ILO negotiating objectives are not in the bill or negotiating to reduce child labor is not in the bill. That is not accurate. It is in the bill.

There are three categories of objectives. This sounds a bit arcane. One is principal objectives, overall objectives, and then other objectives. But the language in the bill makes it clear that each of the objectives has the same priority.

You may ask why they are not all in the same category. I am not sure I can answer that question, but the operating principle is that the language in the bill provides that each of these objectives, although they might be in different categories—one of them includes ILO labor—is a core labor standard. It also includes—promote respect for workers' rights, the rights of children consistent with core labor standards of the ILO, and understanding of the relationship between trade and workers.

The main point, though, is respect for workers' rights and the rights of children consistent with core labor standards of the ILO. That is an objective and it is an objective that has equal weight compared with all the other objectives. It is in the bill. To say it is not is simply not accurate.

In summary, the concerns the Senator from Connecticut voices are met. They are in the bill. They have equal weight.

One can argue: If it is in the bill, why not just accept what the Senator has suggested? We are in this unfortunate situation, though, where we have this bill put together, and it is a bipartisan bill. It passed the committee 18 to 3.

If we are to have trade adjustment assistance enacted into law, which I think is the most important part of this bill, and if we are going to have the Andean Trade Preference Act extended, which is very important to South American countries, and if we are going to have fast-track authority, which I think is necessary for these very complex trade negotiations, otherwise other countries will not enter into negotiations with the United States, this amendment has to be defeated.

The substance of what the Senator talks about is already covered in the bill. It is substantially covered in the bill almost to the degree the Senator wants. But to adopt the Senator's amendment will cause this agreement to unravel. It is already very precarious.

I remind my colleagues the other body passed the fast-track part of this legislation by one vote. I know there are some Senators in the body who do not want to pass fast-track legislation. They are opposed to it. But a very significant majority of Senators wants to pass legislation. They are in favor of it. If this amendment were to succeed, due to the very strong opposition to this amendment by a very substantial number, if not unanimously, of the Members of the other side of the aisle, this amendment could unravel this bill. It is a delicate balance. That phrase is used over and over again, but I can tell you it is a delicate balance.

I wish I could help my friend and accept the amendment, but for all intents and purposes, to take care of all his concerns, if he were to push a little further, it could very well push us over the edge. And I do not think we should take that risk.

We cannot let perfection be the enemy of the good. We can strive for perfection, but if we get too close to trying to get perfection it causes unintended consequences elsewhere.

I urge my colleague to remember it is a very delicate balance we have before us.

I yield the floor.

Mr. DODD. Madam President, I will be very brief. My colleague and friend from Montana has been very patient. He has an awfully difficult job chairing this important committee and dealing with the various issues that are raised.

As I said at the outset of my remarks, I commend the committee for its effort.

I thought this might be an amendment that would be easily accepted. I did not expect it to evoke the kind of debate we have had from my colleague from Texas because it really should not be a huge debate. My colleague from Montana is right, we should just accept this and move on. I will tell you why, very simply. Again, not to be arcane, but the language of the bill, on pages B–4 and B–5, starting at the bottom of page B–4, says:

> to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2113(2)). . . .

Section 2113(2) defines those labor standards. They include:

> the right of association;
>
> the right to organize and bargain collectively;. . . .

It says:

> a minimum age for the employment of children; and
>
> acceptable conditions of work with respect to minimum wages [and the like].

That is very different from the ILO standards.

So the ILO standards, as defined in section 2113(2), are different from the ILO standards. The ILO standards say:

> the effective abolition of child labour; and
>
> the elimination of discrimination. . . .

''The elimination of discrimination'' is not included in section 2113. So they are different.

I thought the amendment would have just been accepted. It says: ILO ''as defined.'' It is different from ILO. That is the reason we wanted to use the language as the principals in the Jordan agreement, because our trading partners are not foolish. They will understand there is a difference.

So ''the effective abolition of child labour'' and ''the elimination of discrimination'' are in the ILO standards but not in the standards we are going to negotiate. So that is the reason we offer the amendment.

I really expected it, as I say, to be something that did not provoke a significant debate. But there is a distinction.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The Senator is absolutely correct. And as the Senator well knows, in this ongoing evolution here, we have worked with the ILO definitions under the extension of GSP. And GSP is also in this bill, and that is the Generalized System of Preferences.

The question is: What are the ILO standards? I am sure the Senator knows better than any other Senator that the ILO standards were changed in 1998. The earlier version was enacted or stated in the early 1950s. We, after great discussion, I might add, were able to get a modern, updated ILO definition in GSP, although it is not in this bill.

My thought is, when we are in conference, that is an issue we can address. The Senator raises a good point.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Connecticut.

Mr. DODD. Madam President, as I understand it, in the unanimous consent agreement, we will come back to this debate, and there will be 5 minutes, where the time will be equally divided, to make summations before the actual vote occurs.

Mr. REID. If the Senator will yield?

Mr. DODD. I am happy to yield.

Mr. REID. Madam President, I do ask unanimous consent that once debate concludes on the Dodd amendment, the amendment be set aside to recur at 3:55 p.m. today; that at 3:55 p.m. there be 5 minutes remaining for debate, with the time equally divided and controlled in the usual form; with no second-degree amendment in order prior to a vote in relation to the amendment; and that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, if this debate concludes before 2 o'clock, Senator KYL will come and offer an amendment. That debate will continue until 2 o'clock, and then from 3 to 4 he will also be debating that. We hope that during that period of time we can complete the deliberations on the Kyl amendment and also set a time, shortly after the Dodd vote, so we can have two votes a little after 4 o'clock. But we ought to see how the Kyl amendment goes before we make that decision.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I do not know if other Members want to be

heard on this amendment. I am prepared to yield the floor, and I will suggest the absence of a quorum shortly, unless the Chair, obviously, wants to do something. If others want to speak, or if Senator KYL wants to come over and start his debate, I am perfectly amenable to that.

If other Members, all of a sudden, want to come and discuss the Dodd amendment, the Dodd-Lieberman amendment, there will be a period to do so before we actually get to a vote, I assume, at 4 o'clock.

With that, Madam President, I thank, again, the distinguished chairman of the committee and the ranking member and their staffs for their patience. They demonstrate great patience in these debates, and I thank them for that.

UNANIMOUS CONSENT AGREEMENT—H.R. 3167

Mr. REID. Madam President, I ask unanimous consent that immediately following the last vote today, Thursday, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill; that it be considered under the following limitations: That there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of Senator BIDEN, or his designee; 90 minutes under the control of Senator WARNER, or his designee; further, that no amendments or motion be in order; that upon the use or yielding back of time, the bill be read the third time, and on Friday, May 17, the Senate resume consideration of the bill at 10 a.m., with the time until 10:30 a.m. equally divided and controlled between Senators BIDEN and WARNER, or their designees; and that at 10:30 a.m., the Senate vote on passage of the bill, without further intervening action or debate, notwithstanding rule XII, paragraph 4.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

A NATIONAL COMMISSION CONCERNING THE EVENTS OF SEPTEMBER 11, 2001

Mr. TORRICELLI. Madam President, on four occasions since September 11, 2001, I have come to the Chamber to recommend to my colleagues that the Senate immediately consider the establishment of a national commission concerning the events of September 11, 2001.

My request has been based on no motivation but the belief that the American people deserve honest answers and that the only means of preventing another terrorist attack on the United States is a fair, honest, and dispassionate view of what happened and what didn't happen, what was known, and what should have occurred.

The historic basis of such an honest approach to the tragedy of New York and the Pentagon is overwhelming. Ten days after December 7, 1941, Franklin Delano Roosevelt recognized that he could not reassure the American people about their Government and could not unify the country for the war ahead unless he gave them an explanation about what failed at Pearl Harbor. Lyndon Johnson recognized almost immediately the same need to reassure the American people about the operations of their Government and the integrity of its officers after the assassination of President Kennedy in 1963. Ronald Reagan drew upon the same precedent establishing the Challenger Commission to assure the American people that they would receive an honest answer to prevent any recurrence in the loss of life in the *Challenger*.

What I recommend has not only had precedents, it was the rule. Democratic and Republican administrations, for a century, have seen the need to assure the American people about the operation of their Government and that indeed we were a confident enough people under the rule of law to face honestly our own failings—all based on the belief that the only means of assuring that there would not be a recurrence would be to discover the reasons for the failings of the past. On those four occasions, there have been reasons to postpone, excuses to not act, and the debate has continued.

The debate continued after it was revealed that the FBI had in its possession Zacarias Moussaoui, a Frenchman of Moroccan descent who, in August, was discovered in a flight training school. The Justice Department denied access to his computer. The debate continued after it was learned that French intelligence had warned American intelligence officials that they had knowledge of a possible terrorist plot to hijack aircraft.

The debate continued after it was learned that Philippine intelligence and law enforcement authorities had warned United States Government officials of possible targeting of American aircraft.

The debate continued after it was revealed that the FBI office in Phoenix had written a memorandum warning that large numbers of suspicious individuals were seeking pilot and security training at American flight schools. The debate continued.

The debate has to end. Revelations that the Central Intelligence Agency might have intercepted suspicious communications as early as last July indicating a possible terrorist attack on American installations or facilities and that indeed the President of the United States himself was informed of this information should effectively end any debate.

I do not rise to cast blame or aspersions on any individuals or institutions. I believe the officials of this Government have acted honorably, and I would never believe any American institution or individual, for a moment, would not have done everything possible to defend the people of this country if sufficiently warned.

Something is wrong. The United States of America has a defense establishment of over $330 billion a year. Public accounts estimate intelligence budgets at over $30 billion a year. The heart of our greatest city was struck, the center of our military power was hit by 19 people, funded by $250,000. Something is wrong.

I do not know whether there has been a failure to collect intelligence or an inability to share intelligence. I don't know whether law enforcement and intelligence agencies have failed to work together. I don't know whether they acted properly and a reasoned, rational person never could have put these pieces together. I don't know. But neither does anybody else in this Government.

It was always going to be difficult to face the families of those who lost their lives on September 11. It just became impossible. Without some dispassionate and honest review of what was known by this Government and its agencies, without an honest assessment of how agencies performed and coordinated their activities, without a dispassionate assessment of what failed, not only can we not look the victims' families in the eyes and tell them, ''Your Government met its responsibility,'' we cannot assure this country that it will not happen again.

Franklin Delano Roosevelt didn't have a Pearl Harbor commission, Earl Warren didn't have a commission on the Kennedy assassination, and Ronald Reagan didn't have a Challenger commission to assign blame. It wasn't about partisanship. It was about assuring the American people of the future that the Government had taken actions to assure it would never happen again.

Who here would assure one of their constituents in any of our States that we have the confidence or the simple good judgment to undertake such a review?

On March 21 of this year, the Governmental Affairs Committee voted on S. 1867, introduced by Senators LIEBERMAN, MCCAIN, GRASSLEY, and myself, a bill to establish the National Commission on Terrorist Attacks upon the United States. That bill is ready for consideration. What reason do we offer for not acting immediately? What is the excuse to the American people?

I trust that based on current revelations, law enforcement officials of the Justice Department, intelligence officials of the National Security Agency and the Central Intelligence Agency, and, indeed, the national leadership of

the White House itself will now end all excuses, stop all efforts to block this legislation or similar reviews, and join with us in one complete analysis of what happened, what went wrong, what was known, and, most importantly, what we do about it.

There will be those who say this is a matter for the Senate and its Intelligence Committee. This is a matter for this Government and all of its representatives. Some secret analysis by a committee reviewing one aspect of the actions of the U.S. Government on classified material making recommendations unto itself is not what the country requires. Every element, every aspect of the Government should be reviewed on how it acted and how it should be changed, including this Congress.

I suggest a reserve of analysis of no one and nothing from law enforcement, to the national intelligence community, to the executive branch, to the operations of this Congress itself. We all share the responsibility for the future of the country. We all share the responsibility for the security of our communities and our families. An honest analysis must involve all of us, including this Congress.

Madam President, I hope the President of the United States and the relevant agencies accept this invitation to work with us. This legislation should be offensive to no one and, if successful, provide reassurance to everyone. There may be attempts to delay this legislation and put this review off for months or years.

History is a demanding master, and ultimately it governs all of us. History will never settle for the excuse that we are not ready or it needed more time or it would offend someone. History will demand an answer of how the greatest Nation on Earth, with the greatest intelligence and military capabilities ever conceived by man, was laid vulnerable by a small band of terrorists who brought destruction to our greatest city and the very seat of our military authority. History will demand it, and we should answer it.

It is not the responsibility of another generation to revisit this matter in 20 years. It is not the responsibility of our successors to return to this in another decade. The responsibility for the safety of the country and governance of its institutions is ours, and this legislation is ours. It should be adopted.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be permitted to speak up to 5 minutes as in morning business.

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

Mr. LIEBERMAN. I thank the Chair.

Madam President, I rise to join with my colleague from New Jersey who just addressed the Senate in regard to a proposal that he, Senator MCCAIN, Senator GRASSLEY, and I introduced some time ago which would create an independent commission to investigate the horrific attacks against the United States on September 11, 2001, a day that truly also will live in infamy, a day of extraordinary suffering, of heroism, of anguish, of insecurity, of ultimately unity and strength for the United States of America.

The idea of this commission which Senator MCCAIN, Senator TORRICELLI, Senator GRASSLEY, and I introduced was to build on the precedents of history, particularly the other day of infamy, Pearl Harbor, which was followed both by congressional investigations and by an independent commission to review what happened and what could have been done, if anything, to prevent the attacks from happening, and what did we learn from Pearl Harbor and all that surrounded it that would enable us to raise our defenses so that nothing such as that would ever happen again.

Sadly, history has turned in a way to put us in a similar position to where the previous generation of Americans was at the outset of World War II. We were attacked on September 11, 2001, with an inhumane brutality and a cunning lack of respect for human life that was shocking.

The other reality that was unsettling, of course, was that in the literal sense, the American government, the great national security apparatus that we have established, intelligence, foreign policy, and law enforcement, failed to protect the American people from the attacks against us on September 11 of last year.

Perhaps there was nothing more that could have been done to prevent them. We understand that in an open society such as ours, a society premised on freedom as our highest value, if we are dealing with an inhumane enemy, lacking in regard for their own lives, let alone the lives of Americans, then there is only so much that can be done to stop such attacks.

Yet we have had the gnawing question: Was there something that could have been done to prevent the attacks of September 11? Understanding that hindsight is always clearer than foresight, is there something we can learn from what happened on September 11 to strengthen ourselves, to raise our guard, to do whatever is humanly possible to make sure that nothing like those terrorist attacks ever happens again to the American people? That was the purpose that my three colleagues and I had in introducing this bill to create an independent, nonpolitical citizens commission to conduct the broadest possible review of what happened on September 11: why did it happen and what can we do to make sure it never happens again?

In the last couple of weeks, there have been a series of revelations, beginning with FBI disclosure of warnings, memos last year, in which agents of the FBI had reason to be concerned about activity of people in this country, particularly at the flight training schools, wondering whether that might be related to a potential terrorist attack, linking it particularly in some minds to Osama bin Laden, who we knew had already struck us in foreign places.

Add to this now the disclosure that President Bush received, as part of a daily intelligence briefing, indication that the Central Intelligence Agency had similar words from a different point of view; the FBI and CIA apparently never coming together in one place to reach the critical mass that would have engendered the kind of action that looking back, painfully now, we wish someone had taken.

The reason why my colleagues and I introduced this bill creating an independent commission, it seems to me, is based on the revelations and disclosures of the last few weeks and are now even more significant and more compelling. Our anxiety about what happened and whether something could have been done by people working for the U.S. Government to have prevented the horrific acts of September 11, and the suffering that resulted therefrom becomes even more gnawing today.

I note the presence of one of the three cosponsors of this legislation, the Senator from Iowa, Mr. GRASSLEY. I indicate to my colleagues that I soon intend, I hope with my cosponsors, to find an early opportunity to submit our proposal for an independent commission to review the events of September 11, and what was learned from them, as an amendment to a bill in the Senate. I think the moment is here.

I received a call about 2 weeks ago from some of the survivors and some of the families of victims of September 11 who had heard about the commission proposal. They are coming actually the first or second week of June—I do not remember the exact date—to lobby Members of the Senate and House to adopt such legislation so that the questions that gnaw at them because of the losses they have suffered of a spouse, of a child, of a relative, a friend, will, to the best of our ability, be answered.

This commission proposal, I am pleased to say, received a hearing before the Senate Governmental Affairs Committee. It was reported out by the committee. I do think, in light of these events, that the greater knowledge we have now of what may have been known before September 11, it becomes even more urgent to move forward on it, and it is why I hope to soon join with my cosponsors in offering it as an amendment to a pending bill.

I understand, of course, that the Intelligence Committees of the Senate

and House are proceeding with investigations related to the attacks of September 11. I respect those committees. I support the investigations they are conducting. But the idea in the commission proposal we have made is broader than that. In the first instance, it is an independent, nonpartisan, nonpolitical citizens commission that would conduct this investigation and would have the credibility that would go with that.

Secondly, its purview is beyond intelligence, beyond whatever failures may have occurred in the intelligence apparatus in the U.S. Government. It will go to law enforcement. It will go to the military. It will go to foreign policy. It will go to America's communications policy. I think, in that sense, it will supplement and complement the critical work the Intelligence Committees are doing.

Again, I go back to, unfortunately, the comparable event which was the attack against Americans at Pearl Harbor. There was not just one investigation by one or two committees of Congress; there were congressional investigations and there were independent citizen commission investigations. That is what I think the events of September 11, and particularly the disclosures of the last few weeks, cry out for today if we are to learn in the fullest sense the lessons of recent history and apply them so we can better secure the future of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

Mr. KYL. Madam President, I would like to respond to some of the comments which my colleague, the Senator from Connecticut, just made, if he has a moment to remain. I caught some of what he said, and I think I caught the gist of what he said.

I want to be very clear about something. I am a member of the Senate Select Committee on Intelligence, and therefore I might be perceived to have a bit of a conflict of interest since, as the Senator from Connecticut noted, we have an ongoing investigation. The investigation has been authorized by the House and Senate committees. We are in the middle of that investigation now and plan to have a report ready around the end of the year as to the full panoply of circumstances and events surrounding the tragedy of September 11, with recommendations for what should be done in the future to ensure, to the extent possible, that event not be repeated, or that we be able to prevent it if it is at all possible.

I am troubled by a couple of the comments the Senator made, and I wanted him to hear this and respond, if he would like. Here is what troubles me: I was accosted by numerous members of the media this morning breathlessly asking me, as a member of the Intelligence Committee, what I thought about the fact that the President had been briefed that terrorists, al-Qaida terrorists, were going to hijack airplanes and didn't this require us to immediately begin some kind of investigation, fill in the blanks. Some of them sounded a little bit like what the Senator from Connecticut is suggesting.

That would be the wrong thing to do, in my view, and there are about three reasons why.

First of all, let us be clear: The President was not briefed in some emergency situation that he should expect al-Qaida terrorists or any other terrorists to hijack an airplane and fly it into the World Trade Center. Nothing like that happened. So we should be very careful before we begin calling for new mechanisms for investigating the September 11 events when we already have a good investigation underway based upon information such as that. It is incorrect information.

I know the Senator from Connecticut is a very thoughtful person and would never predicate his call for this activity on that kind of information. Let me hasten to say I know that is not what he is saying. Part of the impetus for that, and I am afraid part of the emotional reaction, could be to find a home in a suggestion like this of the Senator from Connecticut.

To clarify the record—I think the administration will clarify it in an appropriate way at some time soon—let me put it this way: Every morning, the President of the United States receives a briefing from the intelligence community. As the President just advised some Members, if he had been briefed about a threat that anybody thought was specific and credible and we could do anything about, does anybody doubt that he wouldn't have reacted in the strongest possible way? I know the Senator from Connecticut joins me, and everybody else, in answering that question: Of course he would have reacted.

That should give the first clue about what was actually done. Each morning he receives a briefing. It should come as no surprise that during one of those briefings when the subject is terrorists, al-Qaida was one of the terrorist groups that was mentioned at that time. Terrorists have been hijacking airplanes for over 40 years. It is not exactly big, breathless news that this could happen, hypothetically. That is a far cry from someone suggesting there is credible, specific information about a particular threat of hijacking.

We all need to take a deep breath. I particularly suggest these remarks apply to our friends in the media. Calm down a minute. Don't jump to any conclusions about what the President was told. Don't take from that the intelligence community somehow messed up by not following through or taking sufficiently seriously some kind of threat. That is not the way it happened.

The point the Senator from Connecticut makes, with which I totally agree, is there is a lot of information out there that we need to put together to tell the story about what did happen and determine what kinds of changes, if any, we need to make in the future.

My only concern about his suggestion is two things: One, as the media leaks themselves demonstrate, if it comes out in little dribbles and drabs of incomplete bits of information, it is likely to be counterproductive and to certainly delay the process of putting it all together in a coherent way to present a set of facts to the American people on which conclusions can be based.

Since so much of this has to be done in a classified setting, the place for it is the Intelligence Committee. It will be difficult to even have public hearings to discuss a lot of this while we are right in the middle of, one, the war on terror and, two, prosecutions in which the FBI is engaged.

Second, it is important the investigation already underway, which is already putting demands on the time of the Justice Department and the CIA, not be further complicated by other investigations which would put further demands upon these peoples' time at the very time they are preparing for these prosecutions and conducting the war on terror.

Those are thoughts I have with respect to the Senator's suggestion. I will appreciate the opportunity to visit with him more about them. I wanted the opportunity to express those concerns.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Of course, I thank my dear friend and colleague from Arizona. Let me respond briefly to his thoughtful and thoroughly appropriate comments.

First, to restate: the proposal I am talking about for an independent commission was made some time ago. We held a hearing on it in the Senate Governmental Affairs Committee, and it has been reported out and essentially is ready for action by the Senate.

We have said all along we respect and support the work the Intelligence Committees are doing. As in previous cases, such as Pearl Harbor, post-Pearl Harbor, the country would benefit from an independent citizen commission inquiry—not accusatory but investigatory—which would have the power to obtain information which would have the authority to go into classified, secret session because of the matters being considered. This would likely extend beyond the intelligence function to law enforcement, to foreign policy, to military policy, to immigration policy—anything that might have affected

and contributed to the attack of September 11.

My point today is that the leaks, the disclosures of the last couple of weeks, both from the FBI and now the indication of the CIA briefing to the President, just reinforces within me the fact that we need such an independent commission. In fact, in some ways it may argue even in a different more forceful sense for such a commission. If we don't have a comprehensive, public, official investigation, I fear leaks related to September 11 and the tragedy that occurred will continue for months, for years. We ought to try as best we can through the intelligence committee investigations and through such an independent commission to answer all the questions that can possibly be answered.

That is what I intend, I believe, with my colleagues: To offer this as an amendment at an early time.

I respond to the points the Senator from Arizona makes about the most recent disclosures on briefing to the President. They are quite on point. It is very important not to overreact to them. For the record, I have not in this case received any of the classified briefings. I speak based on publicly available sources in the media. Those are the reports of the various FBI memos that went into Washington and now this report of the CIA briefing of the President.

What truly troubles me and gnaws at me is not the President's behavior because, of course, if he had any indication in the briefing that an attack was imminent, he would have acted as Commander in Chief. My concern is about the quality of the information working its way up to the President as Commander in Chief.

More particularly, was there any point of connection between what we now know are the FBI memo's concerns about Moussoui's conduct in Minnesota at the flight school, the agent in Phoenix who had broader concerns, very acute, and unfortunately turns out to be right to the point, did those intersect on anyone's desk with the information that the CIA had which was the basis of a longer briefing to the President last summer in a way that would have led anyone to reach a more specific conclusion that they could have taken to the President?

I agree, there ought not be an overreaction. My reaction is, as I stated, as to whether all the systems underneath the President, as Commander in Chief, worked together as we would want them to, to be able to alert him to what was about to happen. And in a more direct sense, was this in any measure preventable?

I even ask the question with a sense of humility because I know the difficulty in an investigation of this kind. It is that which motivates me, and I am sure would motivate a commission and Intelligence Committees more than any second-guessing on the President's behavior.

I know we have used our time. I thank my colleague. I look forward to talking to him off the floor, and I yield the floor.

RECESS

The PRESIDING OFFICER. Two o'clock having arrived, under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 2 p.m., recessed until 3:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business. We are on the trade bill.

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will proceed.

INVESTIGATE 9–11

Mrs. CLINTON. Mr. President, I rise today out of respect for and to speak on behalf of the people I represent in New York. I am especially mindful today of the memory of those whom we lost on September 11, their family members and their loved ones who, until this very minute, grieve for those who were sacrificed in the terrible attacks we suffered on September 11.

We have learned something today that raises a number of serious questions. We have learned that President Bush had been informed last year, before September 11, of a possible plot by those associated with Osama bin Laden to hijack a U.S. airliner. The White House says the President took all appropriate steps in reaction to that warning. The White House further says that the warning did not include any specific information, such as which airline, which date, or the fact that a hijacked plane would be used as a missile. Those are all very important issues, worthy of exploration by the relevant committees of Congress. The goal of such an examination should not be to assign blame but to find out all of the facts.

I also support the effort by Senators LIEBERMAN and MCCAIN to establish an independent national commission on terrorist attacks upon the United States. That was reported out of the Senate Governmental Affairs Committee in March. Such a panel can help assure the people of New York and America that every facet of this national tragedy will be fully examined in hopes that the lessons we learn can prevent disasters in the future.

I very much appreciated the remarks by Senator LIEBERMAN in the Chamber earlier today, indicating his desire to offer this proposal that he and Senator MCCAIN have put forth as an amendment at the earliest possible time.

Because we must do all we can to learn the hard lessons of experience from our past and apply them to safeguard our future, I also support the call by the distinguished majority leader, Mr. DASCHLE, for the release of the Phoenix FBI memorandum and the August intelligence briefing to congressional investigators, because, as Senator DASCHLE said this morning, the American people need to get the facts.

I do know some things about the unique challenges faced by the person who assumes the mantle of Commander in Chief. I do not for a minute doubt that any individual who holds that responsibility is the only person who can truly know the full scope of the burdens of that office. Just the other day there was a survey about the most difficult job in America, the most stressful position. It should not come as any surprise that President of the United States ranked at the top.

I have had the privilege of witnessing history up close, and I know there is never any shortage of second guessers and Monday morning quarterbacks, ready to dismantle any comment or critique any action taken or not taken. Having experienced that from the other end of Pennsylvania Avenue, I for one will not play that game, especially in these circumstances. I am simply here today on the floor of this hallowed Chamber to seek answers to the questions being asked by my constituents, questions raised by one of our newspapers in New York with the headline ''Bush Knew.''

The President knew what? My constituents would like to know the answer to that and many other questions, not to blame the President or any other American but just to know, to learn from experience, to do all we can today to ensure that a 9–11 never happens again.

If we look back, we know that the Phoenix FBI memorandum in early July raised very specific issues about certain people of Arab heritage who were taking flying lessons. For what purpose? To do what?

We know that shortly after there was at least the news report of the Attorney General sending a directive that people of the Justice Department should no longer fly commercially. In fact, the Attorney General took a chartered plane for his own vacation.

We know that in August additional information came forward, including what we learned today about the intelligence briefing provided to the President.

The pain of 9–11 is revisited in thousands of homes in New York and around our country every time that terrible scene of those planes going into those towers and then their collapse appears on television. It is revisited in our minds every time we see a picture of the cleanup at Ground Zero. It is revisited every time the remains of a fallen hero are recovered, as they were yesterday for Deputy Chief Downey. And it is revisited today with the

questions about what might have been had the pieces of the puzzle been put together in a different way before that sad and tragic day in September.

I cannot answer the questions my constituents are asking. I cannot answer the concerns raised by the families of the victims. As agonizing as it is even to think that there was intelligence suggesting the possibility of the tragedy that occurred, particularly for the family members who lost their husband, their wife, their son, their daughter, their niece, their nephew, their mother, their father, it is a subject we are absolutely required to explore.

As for the President, he may not be in a position at this time to respond to all of those concerns, but he is in a position to answer some of them, including the question of why we know today, May 16, about the warning he received. Why did we not know this on April 16 or March 16 or February or January 16 or August 16 of last year?

I do hope and trust that the President will assume the duty that we know he is capable of fulfilling, exercise the leadership that we know he has, and come before the American people, at the earliest possible time, to answer the questions so many New Yorkers and Americans are asking. That will be a very great help to all of us.

I know my constituents want those answers, particularly the families who still today wonder why their loved one went to work that beautiful September morning and did not come home from the World Trade Center or the Pentagon or those airplane flights. After all, in the grieving process, it is often the not knowing that hurts the most.

I hope the President will address these issues, will do so as soon as possible, and will also authorize the release of any other information that New Yorkers and Americans have a right to know. I certainly look forward to learning of and being able to share that information with the people I represent.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Connecticut.

Mr. DODD. Mr. President, I have some remarks on another subject I would like to make. I commend our colleague and friend from New York for her comments. I associate myself with her remarks. I think all Americans would.

Obviously, it is critically important we know all that we possibly can of what occurred. If there was, in fact, information that should have been acted on, it is critically important we know about it, what happened, and why actions were not taken, so we minimize the possibility of the events of September 11 from occurring again.

We all realize, as our colleague and friend from New York has pointed out, it is a difficult job being the Chief Executive Officer of this country, the Commander in Chief. And there is a voluminous amount of material that arrives every day from our national security agencies and services. But when you get information this specific, this detailed, arriving from a variety of different sources, then someone should have taken better action, in my view.

So I am hopeful we will get a response. It is critically important for the healing process and for understanding exactly what occurred. So I commend the Senator for her remarks and associate myself with them.

COMMENDING PRESIDENT RONALD REAGAN

Mr. DODD. Mr. President, I commend our former Chief Executive of the country—former President Ronald Reagan. I just attended a ceremony in the Rotunda of the Capitol honoring former President Ronald Reagan and Nancy Reagan. We are from different parties, and we had disagreements during his administration. But one thing can be said about President Ronald Reagan: Whatever disagreements or agreements you may have had on specific policy issues, Ronald Reagan gave this country a strong sense of confidence and optimism.

We had come through a difficult time in the 1970s, with Watergate, the Iranian crisis, and the energy crisis that had been debilitating to our spirit. Ronald Reagan restored our Nation's confidence in itself. I commend the President. I know he is suffering from Alzheimer's, and Mrs. Reagan has taken on the heroic efforts of being his eyes and ears in the sense of speaking for him where appropriate. It was a very moving ceremony in the Rotunda, where both the President and First Lady were recognized with the Congressional Gold Medal.

So as one Democrat, to a former Republican President, but more importantly a great American President, I express my gratitude to him for his service, and Mrs. Reagan for her remarkable service both to her husband and family and this country.

COMMENDING PRESIDENT JIMMY CARTER

Mr. DODD. Secondly, Mr. President, I commend President Carter for his work this week. I have been so impressed with the efforts that President Carter has made in Cuba during the past 4 or 5 days. I think he has spoken for many of us in this country during his visit to Cuba.

While in Cuba, President Carter addressed the Cuban people on national radio and television—a unique opportunity in a country that is a totalitarian regime where democracy has had no expression now for more than four decades.

In having been granted permission to address the Cuban people, President Carter was given a right that no Cuban other than the President of the country, and those who agree with him, has been given—the opportunity to speak freely about democratic values, values that we embrace as a people and the 11 million people of Cuba embrace as well.

In his address, President Carter urged the government of Cuba to allow democracy to be restored, and asked that pro-democracy petitions be allowed to be collected, and respected.

He simultaneously called for the U.S. government to allow free travel to Cuba and stated his belief that our government should begin to lift our embargo. I commend him for those comments.

The only place I know of in the world that we prohibit our citizens from traveling to is the island of Cuba. You can go to Iraq. You can go to North Korea. You can go to Iran. You can go to any other country around the globe, some of which are our most devout enemies when it comes to terrorism. You may be stopped from entering by the governments of those countries, but our Government does not prohibit you from going. Cuba is the only country where Americans are prohibited from entering by our country.

And for the hundreds of thousands of Cuban Americans who have family and loved ones there, who are only allowed to go back once a year, who would like to go and see their family members more than once a year, perhaps to go see an ailing parent or grandparent, I find this to be a particularly onerous provision in American law. I hope it will be changed, just as I am hopeful that change will come to Cuba and democracy will arrive on that island so the people will have the opportunity to elect and choose their political leadership.

In summary, President Carter, by calling upon the Cuban Government to change its ways and our own Government to change some policies, I think gave the appropriate message; one that can be appreciated not only here, but on the island of Cuba by the Cuban people and freedom-loving people around the globe.

So today, I take this moment to express my gratitude to this former President who, in his retirement, has accomplished so many wonderful things and become such a wonderful symbol for human rights and dignity and democracy around the globe.

I am proud to stand here and honor two former Presidents who faced each other in an election 1980, but in their own way have made unique contributions to our Nation. President Carter continues to do so. I commend him for his work in Cuba and look forward to his return and hearing from him. I am hopeful that he will come before us in Congress in some setting in which he might be able to describe his feelings about events in Cuba while sharing his opinion of what the prospects hold for the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3429 TO AMENDMENT NO. 3401

Mr. KYL. Mr. President, I send an amendment, No. 3429 to amendment No. 3401, to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself, Mr. GRAMM, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 3429 to amendment No. 3401.

The amendment is as follows:

(Purpose: To Require that any revenue generated from custom user fees be used to pay for the operations of the United States Customs Service)

At the end of the matter proposed to be inserted, insert the following:

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58C(j)(3)) may be used only to fund the operations of the United States Customs Service.

Mr. KYL. Mr. President, I ask unanimous consent that Senator NICKLES be added as a cosponsor to this amendment.

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

Mr. KYL. Mr. President, I will explain the amendment and discuss the reasons for it. I hope my colleagues will agree that this is an amendment that can be adopted. We don't even have to have a rollcall vote, unless someone asks for it. I think it is fairly straightforward.

The amendment has to do with Custom user fees. Today, Custom user fees come in two separate categories, which I will discuss in a moment. About 300 million of them are statutorily designated to go to a particular set of accounts in the Customs Service. For example, it pays overtime for Customs Service personnel. There is about $1 billion in Custom users fees that takes a somewhat more circuitous route that goes into the general fund—generally money which the Appropriations Committee defines as funds for funding various functions of the Customs Service, hence the name ''user fee.''

In fact, I will digress for a moment. We have taxes and we have user fees by which we raise revenue. User fees are generally targeted toward people who use a particular service of the Government. So we generally try to spend that money on the things for which they require us to use the money. An example is, if you use the national forest, you are beginning to find that you have to pay a little fee to go camping there. That is because we are kind of hard on the forests when we camp there, and somebody has to clean up the mess we leave behind, and so we pay a little fee for that. It is more fair for those of us who may take our kids camping in the forest to pay for the user fee than it is to charge the taxpayers generally.

The same thing is true with Customs. We charge a fee for people who have their ships and their trucks and other things inspected by the Customs Service, and some bring goods into the United States of America. I am oversimplifying, but that is the general idea. So we take those same moneys and put them back into the inspectors, into the equipment that is used to inspect their train, or boat, or truck, for example, so that instead of waiting at the border for 2 hours, maybe we can get them through in an hour or less, hopefully, so we can expedite commerce at our borders, and for other purposes. That is the concept of a user fee. They pay to have us do this. We take the money and apply it to that.

Now, what the underlying bill did—and I must say that as a member of the Finance Committee, I was unaware of this and I objected to it being done in an earlier bill, and I was distressed to learn it had been done in this bill—they extended the Custom user fees—that part is OK—and the net result of that is to contend that the expenses of the TAA portion—the trade adjustment assistance portion—of these free trade bills is paid for by revenue generated by extending the Custom user fees.

Well, that is not true, and it should not be true. So what my amendment says is, no, Custom user fees are used for Customs. Here is what it says:

Notwithstanding any other provision of law, any revenue generated from custom user fees . . . may be used only to fund the operations of the United States Customs Service.

That is the idea. That would be a good thing, especially at this time in fighting our war on terror. We are imposing upon the Customs Service more and more responsibilities for doing a really good job of checking all of the modes of conveyance, and containers, and other kinds of shipments into the country. We read in the newspaper a couple days ago where 25 possible terrorists from Arab countries have been smuggled into this country in the holds of ships.

I think the Customs Service can examine only 1 percent of the cargo coming in on ships. They cannot examine every part of every hold of a ship coming into this country, let alone every truck, train, or other mode of conveyance that brings goods into the United States. Yet we are asking them to be sure that nobody smuggles in contraband, drugs, nuclear bombs, biological weapons, chemical weapons, or illegal aliens who could be terrorists.

We are asking a lot of the Customs Service, and we are not giving them enough money to do the job, which is why they have asked for more money. And most of us, I believe, are willing to provide more money for the Customs Service to do what we are asking them to do, not just for their general work but now enhanced by the requirements of the war on terror.

At the same time we are imposing that additional burden on them, somebody had the bright idea to pay for the unrelated parts of this bill having to do with wage subsidies, health benefits, and so on, with Customs user fees. That is not right, and it is actually not even necessary.

Why is it being done? Because somebody had the idea they could avoid a point of order being raised against the underlying bill so that instead of having to get 60 votes to pass the bill, 50 votes, the usual, would suffice. The fact is there is already a different kind of point of order that lies against the bill, so this serves no purpose.

That is why I think even those who wish to say they have a way of paying for the bill by using these Customs fees could easily agree that there is no point in it, there is no purpose in it, and, therefore, rather than muddling up the law, rather than taking money from Customs when we are trying to fight the war on terror, they would be willing to adopt our amendment and not try to pay for the bill with Customs user fees.

This is a technique and, as a matter of fact, it even has a name in the Senate, and it is called a ''pay-for.'' That is pretty inelegant. The idea is when you have a program that is going to cost, say, $10 billion or $11 billion, as this is, it is going to be hard to get it passed unless we show we can pay for it. So we raise taxes $10 billion or $11 billion or find some other source of revenue that will cover that expense.

In this case, the pay-for is the Customs user fees. As I said, that is not necessary because nobody is saying you have to find a way to pay for this. We are assuming that the general revenues of the United States will pay for the expenses of the bill. I am assuming that.

I do not have any objection to the general revenues of the United States paying for the cost for this bill. They are too high, in my view. I wish we did not have all these costs, but to the extent there are costs, the taxpayers of the United States will pay for them through general revenues. We do not have to have a pay-for.

To the extent it is being used to get around a parliamentary point of order, it does not need to either because there is a different point of order that lies against the bill.

Instead of compromising our Customs Service, I plead with my colleagues in the name of the war on terror, in the name of good sense, let's adopt this amendment and eliminate the concept of the pay-for in this legislation.

I have explained this in a more simplified form than it really is. I believe

I have been accurate in what I have said.

Actually, there are two specific kinds of Customs user fees, to complicate this just a little bit. What it also illustrates is that for about $300 million of these user fees, we cannot do what this bill purports to do and pay for this bill with these fees.

This is an 8-year extension of two different Customs fees: One, the so-called COBRA user fees which raise approximately $300 million per year; second, the merchandise processing fee. You can see what that is about; it raises approximately $1 billion per year. CBO estimates that the user fee section would increase revenue by about $11.54 billion through fiscal year 2011.

The problem is the COBRA user fees already by statute are designated for use for a variety of other purposes. This is found in title 19, section 58, subsection (f) dealing with Customs duties, titled ''Disposition of Fees.'' I will read a little bit of it:

> There is established in the general fund of the Treasury a separate account which will be known as the Customs User Fee Account.

It goes on to talk about how these fees will be distributed:

> Except as otherwise provided in this subsection, all fees in the Customs User Fee Account shall be used to the extent to pay the costs incurred by the United States Customs Service in conducting commercial operations, including, but not limited to, all costs associated with commercial passenger, vessel, vehicle, aircraft, and cargo processing.

And so on. Then there is a list specifically under section 3(a) of how these COBRA fees are used. The one I specifically want to point out is paying overtime compensation and another is paying premium pay, and there are others—foreign language proficiency awards, and so on.

This is important because earlier this year in the Terrorism Subcommittee of the Judiciary Committee, we had testimony by one of the officials of the Customs Service in which it was pointed out why these fees are so important.

Again, these fees are already designated by statute to go for these specific purposes. We cannot use them again to pay for what is in this bill. Out West, we have a saying: You can only sell your pony once. In effect, somebody is trying to sell this pony twice. It has already been sold: $300 million goes to these specific items in Customs. You cannot take that same money and apply it to fund the underlying expenses of this bill. Again, it is not necessary. Nobody is making you do it. So do not try to sell this pony twice. You cannot do it.

Moreover, it is not good policy. According to testimony on February 26 of this year—the witness was Bonni Tischler, Acting Commissioner of the Office of Field Operations of the Customs Service. She gave some very valuable testimony. I will quote some of her testimony.

I had said there is a lot to do with not only checking out the commercial activities that go on that we ask Customs to do, but to begin to deal better with terrorism. I asked if she had suggestions and, in particular, what the effect might be of taking Customs user fees away from the Customs Service in her ability to perform this task.

She said:

> My personal opinion is it would severely hamper us.

Ms. Tischler identified the numbers, and she was just about exactly on target with respect to the numbers, but regarding the merchandise processing fees, my question was:

> . . . if you were not to have the benefit of that in your appropriations, I presume it would be fairly devastating, would it not?

Her response is:

> It would absolutely be devastating. I think our total budget is closing in on $3 billion thanks to Congress and the administration. So to take that much out, if it were as the offset, would be truly devastating.

I had put this in context and they did, too. This merchandise processing fee is not statutorily designated as the so-called COBRA fee is. This is not a matter of selling the same pony twice legislatively, but it is from a policy standpoint, since as I pointed out in my question and as she pointed out in her answer and as we can document, as a practical matter this is what the Appropriations Committee uses to define what it has available to fund the Customs Service. That is the way it ought to be policy-wise anyway; otherwise, we should just collect taxes from the American people.

Since we are collecting a user fee from the people who use the system, the money they pay in ought to go back to help them in how they are using the system. The commercial people who have trucks that go back and forth across the border all day and pay a fee ought to know the fee they are paying is going to pay the people who are checking their trucks and getting them through the line as quickly as possible. That is what a user fee is all about.

As a matter of policy, we should not be assuming that in order to have some way of paying for the expenses of this legislation that money is now available for that purpose.

Some of my colleagues might say: This is all a ruse; this is all a fiction anyway. Indeed, to some extent, it is a fiction, which goes to show why this is not necessary.

In effect, we are robbing Peter to pay Paul. We are saying: We have to find a way to fund the legislation that is before us, the trade assistance legislation. So instead of raising taxes, we are going to extend these user fees and, voila, we now have it paid for.

As I pointed out, $300 million of it is not paid for because that pony has already been sold, but as to the remaining $1 billion, it should not be that we consider this the appropriate fund to pay for the expenses of the bill because it is user fees paid by people who are using the system.

If you say, But it is all the same pot of money; money is fungible, so we will say we are funding this trade adjustment assistance out of the user fees, but then we will have taxes to pay for that, to pay for Customs, what we are really doing is acknowledging that we are going to have to find the money in the general budget; in other words, taxes are going to have to be found to pay for this.

So it does not matter whether you acknowledge upfront that it is going to require $10 billion or $11 billion in taxes to pay for this bill or you say we are going to get the money from Customs and then we are going to have to find $10 billion or $11 billion in taxes to pay for Customs. It is the same deal. So why go through this fiction?

If, as I said, it is to avoid a point of order on the legislation, I say, A, that is wrong; B, it is bad policy; but, C, it is not necessary.

This was tried earlier with respect to the Patients' Bill of Rights, and I will quote briefly from a memorandum from the Acting Commissioner for James Sloan, the acting Under Secretary for Enforcement:

> The COBRA fees collected by Customs are used both to reimburse Customs appropriation for certain costs, such as overtime compensation, and to offset a portion of the Customs Service salaries and expense appropriation. As an example our FY 2001 collections will offset approximately $1 billion or almost 50 percent of Customs appropriation this year. Authorizing a COBRA extension to offset costs for something other than the Customs Service could negatively impact our available funding. Additionally, the Merchandise Processing Fee authorized in the COBRA is a fee that is paid by importers for the processing of merchandise by the Customs Service. Directing the funds collected from this fee for something other than Customs operations could pose GATT interpretation issues.
>
> While Customs supports the extension of the COBRA fees, we also acknowledge that changes are warranted with the manner in which we collect those fees. We intend to review this in the near term.

In other words, when this issue came up in another context and Customs was asked about it officially as opposed to my unofficial question in the hearing we held earlier this year, the answer was the same. This would be harmful to the Customs Service, and this was prior to September 11, 2001. This was June 20, 2001.

Now that we have imposed this additional burden on the U.S. Customs Service to help us fight the war on terror, it would be unthinkable for us, even as a ruse, to say we are going to use Customs fees to pay for the wage insurance or health benefits under this tariff legislation. Let's be truthful about it and say it is going to cost $10 billion or $11 billion, we will find that money out of general revenues somehow or another, and that is the cost of the program. That would be an honest approach.

Let's not try to suggest it is already being paid for because we found the money in the Customs Service, because

unless we are not going to fund the Customs Service, we are going to have to offset that loss by finding $10 billion or $11 billion then in the rest of the budget to pay for the Customs Service obligations.

I do not know what could be more clear, but I will just make this point and then see if any of my colleagues would like to ask any questions about this, or make any comments, because I really do not want to oversell the proposition. Perhaps this amendment could just be taken and we could move on.

I do not mean to force a vote on it if people are willing to take it, but I will begin to discuss this in very thorough terms, with a lot of information that deals primarily with how it would adversely impact the war on terror, if there is going to be opposition to this amendment, if there is going to be an insistence that somehow or another we keep the Customs user fee as a pay-for, and object to my amendment which simply says Customs user fees should go to pay Customs expenses.

If we are not willing to accept the amendment, then get prepared for a lengthy discussion about the impact of the war on terror. I am prepared to engage in that, but it is not going to be necessary, as I say, if there is an agreement on the other side that we are able to take the amendment.

I know it is time to go to the vote on the Dodd amendment, or there will be a brief discussion beforehand, but might I inquire of the distinguished chairman of the Finance Committee what the process would be after the Dodd amendment? Would we go back to the discussion of this amendment or could there be a discussion about whether to take it and move on to another amendment? What would the pleasure of the chairman be at that point?

Mr. BAUCUS. We are prepared to take the amendment.

Mr. KYL. In that case, Mr. President, I learned a long time ago in arguing before the judge when he says, I am inclined to rule for you, you say, thank you, Your Honor.

Could we do that by unanimous consent at this point and then move on to other business?

Mr. BAUCUS. We could voice vote the amendment.

Mr. GRASSLEY. Mr. President, I express my strong support for this amendment.

The amendment sends a strong signal from the U.S. Senate.

Customs user fees should be used solely to fund the U.S. Customs Service, not as some offset for unrelated programs.

Let's put this in context. When Congress first authorized these customs fees the avowed purpose was to underwrite the costs of Customs commercial operations.

We should make sure these fees are being used for customs. That is what this Amendment does.

Allow me to read just a few of the letters I received over the last several months on this issue.

The National Association of Foreign Trade Zones writes:

> [We] recently learned that the Trade Adjustment Assistance Bill . . . includes language that would provide for extension of the Merchandise Process Fee to offset the cost of the TAA program.
>
> As you are aware, the fee was originally established by Congress to cover the costs of the commercial operations of the U.S. Customs Service.
>
> The [National Association of Foreign Trade Zones] is strongly opposed to any extension or reauthorization of the [Merchandise Process Fee] from their congressionally intended purpose.

And the National Association of Foreign Trade Zones is not alone.

The National Customs Brokers & Forwarders Association of America writes:

> [We are] aware of pending legislation due for consideration regarding Trade Adjustment Assistance. While [we] support TAA, we cannot support the use of user fees to ''pay for'' this program.
>
> Merchandise processing fees need to be directed to the agency for which they were collected—the U.S. Customs Service.

Aligent Technologies, a Fortune 500 company and one of the top 100 importers in the Nation writes:

> The Merchandise Processing Fee is a ''user-fee'' paid by importers to cover the cost incurred by Customs to process imports. . . . If US Customs is to continue collecting [the fee], it must directly fund Customs processing improvements, specifically for the new Automated Commercial Environment and other initiatives that are greatly needed to improve the trade process.

Members may be under the mistaken impression that extending these fees without ensuring that they go for customs is simply keeping a convenient money stream flowing.

That is not so.

You will hear that extending the fees without ensuring they are used for customs purposes will have no impact on Customs' budget.

If it has no impact, why is it in the bill? It's in the bill because it has an impact on budget scoring. Once CBO scores these funds against trade adjustment assistance, they cannot be used by Customs for Customs modernization.

These funds are no longer available to offset the costs of Customs modernization.

So I think the Senator's amendment is very simple and very reasonable.

I just want to make sure that Customs user fees are being used for their intended purpose.

In fact, we included a similar sense-of-the-Senate resolution during markup of this bill.

This is a commonsense amendment and I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, very briefly, I think we are reaching time for the votes. I think it is proper that the Senate vote in favor of the amendment offered by the Senator from Arizona because basically, under current law, passage of fees does go back to Customs. The merchandise fees that are collected go into the general revenue, but they have always historically been appropriated right back to the Customs Service. So the amendment offered by the Senator from Arizona simply confirms existing practice.

Basically, the Senator is correct on how the actual dollars are collected and should be collected and then transmitted back to the Customs Service. We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3429.

The amendment (No. 3429) was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3428

Mr. DODD. Mr. President, my understanding is that there are 5 minutes of debate equally divided on the Dodd amendment. I was going to ask for the yeas and nays on the amendment, but I understand that it will be a tabling motion, so let me hold on that.

Briefly, I will describe what I thought would be a fairly straightforward, small, uncontroversial amendment, but some have not made it as such. What I tried to do with this amendment was to take three provisions of the United States-Jordan Free Trade Agreement out of the six that are incorporated in the agreement. The three that are missing, are critically important to have as part of the 27 pages of standards that we ask our negotiators to try to pursue as we enter trade negotiations with individual countries.

The United States-Jordan Free Trade Agreement was adopted 100 to zero only a few short months ago in this body, and as part of that agreement we added the three standards that are excluded in this bill. The three standards ensure that other governments will not relax or ignore their own domestic labor laws to gain a competitive advantage, to strive to ensure that other governments' labor laws are consistent with core labor standards that have already been agreed to with the ILO and, thirdly, to agree that core labor principles, freedom of association, prohibitions on child labor, elimination of discrimination in the workplace, are all going to be efforts we would strive to promote. They are goals. They are objectives. Unfortunately, they have been excluded from the underlying bill.

My purpose in offering this amendment is to include those important objectives. If we can include objectives dealing with e-commerce, investments, insurance, is it really asking too much, out of 27 pages of standards, to add 3 that would deal with child labor, job discrimination, and seeing to it your domestic labor laws are not eroded, making it disadvantageous for U.S. workers as we try to compete with these countries? I hope this amendment can be adopted. I regret it has come to a vote of motion to table.

It seems to me we have had a dynamic process with regard to trade negotiations over the years. It used to be in the past we dealt with tariffs and quotas, and that was it. Over the years, we have added a dynamism to that, so we have added other interests that we want our negotiators to pursue when we are allowing countries to have access to our markets.

I do not think it is asking too much to ask our negotiators, in the process of negotiating with countries, that they try to abolish child labor. The International Labor Organization has been signed by 163 countries. We have already agreed to these provisions under the Jordan FTA.

It seems to me that including these provisions in the trade promotion authority legislation now before us is a modest request.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana.

Mr. BAUCUS. Mr. President, to be quite candid, I wish we could accept this amendment. The Senator makes some very good points. The fact is that all those standards that he seeks are in the underlying GSP provision that is a part of the underlying legislation. That just brought our definitions of core worker rights up to date. As I mentioned before, I hope we can bring the definition of core worker rights in the fast track part of the bill also up to date. The overall objectives and the priority objective in the underlying bill have equal weight. We are splitting hairs.

This amendment is very much opposed by many Senators. I am duty-bound as part of the agreement to oppose it. I wish we could accept this amendment because it is one we should be able to accept.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again, repeating what my colleague from Montana has said, this part of this legislation, not only in the Senate but also in the House of Representatives, is so carefully balanced, bringing in the labor and environmental issues, if you do something to pick up one vote on the liberal end, we lose a vote on the conservative end.

I ask my colleagues to not in any way upset that balance. That is why this amendment should be defeated.

The Senator from Connecticut is always a very sincere Senator on any subject. He presents his case well. This is one place where his ideas may be well for the country of Jordan, where we do $40 million a year in business, but it is not good idea when we look globally at negotiations with 142 countries. We cannot use the country of Jordan necessarily as a pattern for the whole organization.

I am strongly opposed to this amendment. I think anyone who wants this President to get trade promotion authority, or trade adjustment assistance for that matter, should be too.

Basically, the amendment takes the very carefully crafted House to compromise language on labor and Add-to it language negotiated by the Clinton administration in a bilateral agreement with Jordan.

In my view this is not thoughtful trade policy. If this language is intended as a broad policy statement, it is unnecessary.

The negotiating objectives in the bipartisan compromise already capture the key trade and labor provisions of the U.S. Jordan Free Trade Agreement.

Taken literally, the language dictates the specific details of future labor provisions—saying that they have to look almost exactly like our bilateral trade agreement with Jordan. This simply does not make sense.

The labor text negotiated with Jordan is not a one-size fits all way to address all labor issues with every U.S. trade partner, nor was it designed to be. The President will be negotiating regional, multilateral, and bilateral agreements using trade promotion authority. Any one of these may require a different approach to labor issues. He needs the flexibility to address labor issues in a variety of situations.

That is what the bipartisan TPA bill does. In fact, I would say if you really want to improve worker rights around the world, you should support the bipartisan compromise. There is more in this bill designed to improve labor rights than any TPA bill that has passed the Senate.

For the first time every, the ''core labor standards'' of the ILO will be referenced in U.S. trade negotiating objectives. Further, the bill directs the President to seek a commitment by other governments to effectively enforce their labor laws. These provisions will encourage countries to improve their labor laws, without infringing on their sovereignty.

The bill also directs the President to seek to strengthen the capacity of trading partners to promote core labor standards.

In addition, the Secretary of Labor will be directed to consult with any country seeking a trade agreement with the United States concerning that country's labor law. U.S. technical assistance will be available to help other countries raise their labor standards.

Whenever the President seeks to implement a trade agreement with a country, he will submit a report to the Congress describing the extent to which that country has laws in place to govern the exploitation of child labor. This will focus attention on any problems which will help direct appropriate resources to solve these problems.

Requiring a one-size fits all policy like this amendment does is not going to enhance labor rights. It will upset the careful political balance incorporated into the bipartisan TPA Act and kill the very bill that is best equipped to improve worker rights.

If you want this bill or TAA to ultimately make it to the President's desk, I urge you to oppose this amendment.

There is a fundamental truth about trade that a lot of Senators who are trying to amend this bill ignore—trade in of itself can lift people out of poverty and improve worker rights around the world.

It is no coincidence that the wealthiest nations on Earth are those who embrace trade. And these are the nations that are most likely to have the highest labor standards in the world. The fact is, by passing this bill we can help poorer nations grow.

Trade promotion authority will help us establish trading relationships with many developing nations. The poorest countries in the world desperately want the United States to trade with them and invest in them.

Open trade and investment have helped to raise more than 100 million people out of poverty in the last decade, with the fastest reductions in poverty coming in East Asian countries that were most actively involved in trade. We can see similar results in the next decade if we pass this bill.

A recent report by the World Bank called ''Global Economic Prospects and the Developing Countries'' shows this to be true. According to this study, a new WTO trade agreement could lift 300 million people out of poverty. Helping nations help themselves is surely a better path to global prosperity than mandates.

The Senator from Connecticut stated several times in his remarks that if you vote against his amendment, then you are voting against the opportunity to do something about slave labor, child labor, and prison labor. This assertion is simply wrong.

The United States already has standards relating to internationally recognized worker rights. We have had these standards for a number of years. In fact, U.S. standards on worker rights are nearly identical to the ILO standards that Senator DODD wants to put into the Finance Committee's trade bill.

For example:

The First ILO standard relates to freedom of association. This is also the same standard the U.S. recognizes.

The second ILO standard relates to the right to bargain collectively. This is the same standard we recognize.

The third ILO standard relates to forced, slave, or bonded labor. This is exactly the same standard that we recognize.

The ILO's fourth standard related to child labor. The fourth United States worker rights standard also relates to child labor.

So to say that the United States needs ILO standards on worker rights because we aren't currently doing anything about these issues, or because we

don't have the ability to do anything about the problems addressed by these standards, is simply wrong.

I again urge my colleagues to oppose this bill and support the bipartisan compromise.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. STABENOW). Is there a sufficient second?

There is a sufficient second.

The question is agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

Helms	Murkowski

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

Mr. LEAHY. Madam President, I ask unanimous consent to proceed as in morning business for 4 minutes.

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

(The remarks of Senator LEAHY are located in today's RECORD under ''Morning Business.'')

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

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

AMENDMENT NO. 3433 TO AMENDMENT NO. 3401

(Purpose: To provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance)

Mr. ROCKEFELLER. Madam President, I send to the desk an amendment which is sponsored by myself, Senators MIKULSKI, WELLSTONE, DEWINE, DURBIN, VOINOVICH, and STABENOW.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DEWINE, Mr. DURBIN, Mr. VOINOVICH, and Ms. STABENOW, proposes an amendment numbered 3433.

Mr. ROCKEFELLER. Madam 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 printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3434 TO AMENDMENT NO. 3433

(Purpose: To clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance)

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam 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 North Dakota [Mr. DASCHLE] proposes an amendment numbered 3434 to amendment No. 3433.

Mr. DASCHLE. Madam 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 printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I rise this afternoon to talk for a few minutes about the need for trade adjustment assistance as a program and also an addition to it, something that meets the real needs of workers as currently contemplated, and then what is also contemplated in our amendment which is to add, at very small cost, about 125,000 steel retirees.

I want to talk about them. Their health benefits have been lost due to the import surge that has taken place. I passionately believe the trade adjustment assistance concept has to be considered an integral part of U.S. trade policy.

When U.S. trade policies result in American workers losing their jobs through no fault of their own, much less Government inaction to protect them in a legitimate forum, then I think we owe them help.

I want to take a moment to highlight the importance of the TAA health provisions that will hopefully be included in the final package the Senate passes.

Majority Leader DASCHLE, Chairman BAUCUS, Senators BINGAMAN, CONRAD, MIKULSKI, WELLSTONE, myself, and many others have fought to include health protection as part of TAA for the first time. Workers want to get it. If workers lose their jobs as a result of imports, they deserve to get something back. They deserve to be on their feet, they deserve to have access to retraining, and they deserve to get cash assistance. They also deserve to have something called health care, which is what everybody talks about and nobody does anything about, but we would like to. What has been lacking has been some help for displaced workers to retain their health care coverage. I am not talking about just steelworkers, I am talking about the general population.

Under the Baucus-Grassley amendment that is under consideration now, they will have that help. I want to extend my sincere appreciation to the majority leader for his advocacy for provisions to provide health care assistance to displaced workers who lose jobs due to imports. This is a tremendous improvement to the existing program.

I also thank him, as I believe all steelworkers do and should, for his support of our upcoming amendment that will extend the new TAA health benefit for steel retirees who have also lost their retirement health coverage due to closure of their former employer.

The majority leader had originally agreed to include this as a provision in his substitute amendment. But as we all know, that effort was undermined by a point of order and a threatened filibuster. So we had to make an adjustment.

The majority leader agreed to support the inclusion of the steel retiree health benefit as part of the overall Trade Adjustment Assistance Program because he understands what is at stake. He understands that steel retirees have lost their health benefits as a direct result of imports—the most ferocious assault of imports, with a blind eye from the U.S. Government and,

particularly in the last several years, just as surely as TAA-eligible workers, active workers, lost their jobs because of imports.

If steel retirees have lost their health care coverage because their company closed as a result of this massive insurge of imports, they should get some temporary relief. In fact, we are giving them only bridge relief—1 year's relief—but it is a full year, which they would not now have. I am talking about 125,000 people right now in the country. They would get 1 year's health benefits. This amendment would provide it to them.

As we seek to improve benefits for employees who lose their jobs because unfair—and in many cases illegal—imports have ravaged their industry, we cannot forget the former employees of these same industries—the retirees. Under the current TAA system, an active worker can get help in health care—if we pass it—because they are displaced by imports, but retirees are left behind. The people who have gone belly up and who are no longer working at all but who worked for years and years in the steel mills got nothing; they are shut out.

The pending amendment will eliminate that disparity by affording retirees access to health care coverage that displaced workers hopefully will soon also be able to receive.

If a steelworker retires and they have lost their health care because their company closed, they will now be eligible to receive the same temporary health benefits for 1 year as other workers—active workers who have lost their jobs and health coverage due to imports.

These steelworker retirees are also victims of imports. They have lost health care because their companies closed. Their companies closed because the import crisis in the domestic steel industry became overwhelming. I call it a crisis because the International Trade Commission called it a crisis and said unanimously that it was due to serious damage caused by imports, imports from which our Government—not just this administration but the previous one—failed to defend American interests.

We have national laws on our books. We failed to defend them. They don't allow other countries to dump their steel products into our country. We failed to defend that. That is not true in other cases particularly, but it is true with steelworkers. They have been clobbered by this, and they have no health care retiree ability whatsoever right now.

Health care coverage for steel retirees, who often live on fixed incomes, is incredibly important to them. It can mean the difference between all kinds of things that make their lives miserable or OK. I want to clarify this because it is confusing. Whom are we talking about in this amendment? Active workers and retirees. Active workers is the TAA category; active retirees is the steel category. Those are the people we want to add to the TAA for 1 year.

Active workers who lose their jobs are not retirees, they are unemployed workers. Retirees—the steel folks—have met years-of-service requirements—vested 15 years working and this kind of thing—and they are out in the cold. Now their companies have closed and, for the most part, have filed chapter 7. LTV in Ohio filed for chapter 7—no health benefits, no light bulbs, nothing; everything is shut down. The health benefits they used to plan for in their retirement are now gone. These are not people who can retain and find new jobs, they are retirees who have finished, for the most part, their working years.

Under the new and improved TAA program, for active workers, if a worker loses his job, he will now be eligible for cash assistance, retraining, and health benefits. In the case of a retiree in the steel industry, they may not be eligible for any retirement benefits from the job that they have lost, and under the current plan retirees are eligible for nothing at all—unless my amendment is adopted, and that will only be for health, not for cash, not for training, or anything else. The money will only go to the retiree, not to the company.

Retirees are eligible under my amendment for the TAA health benefits only if they were already eligible, going through this vested process, for retiree health benefits and if their former employer permanently shut down.

We have created a small universe of 125,000 people. When I get to the offset in a minute, people are going to be shocked by how cheap it is, how easy it is to do. But the steel retirees will not be eligible for any of the cash assistance, or anything else that active workers who are otherwise displaced under the TAA will get. Active workers are eligible for TAA health assistance for the duration of the TAA cash assistance, which goes on. On the other hand, eligible steel retirees—the subject of our amendment—would only be eligible for 1 year of health benefits. That was the bridge we talked about, to give everybody a chance to regroup and see what we can do to retain the steel industry and for them to be able to get health care.

So this isn't a Cadillac plan we are talking about. This is a slimmed down version. If retirees don't have health care coverage because companies shut down due to imports, they should not be left behind—particularly when the Government is responsible for not defending their interests over the past 30 years and not protecting the Federal law against dumping and willingly letting people do it. Of course, in the United States we are suckers for anything that is cheaper. It doesn't matter if it was made in America. Well, it matters in the steel industry, and we are about to lose it. Thirty-three companies have shut down in the last couple of years, and most of the others are on the brink. We could very well have no steel industry in 2, 3 years.

Today, there are only about 125,000 retirees. That is what my amendment is about, along with Senator MIKULSKI and Senator WELLSTONE. So 125,000 retirees and their dependents, who worked for companies such as LTV in the steel industry do not have any health coverage. They have not, in fact, had any for the last several months, since March.

These people live in Ohio, Indiana, Michigan, New York, Alabama, Illinois, Utah, Louisiana, North Carolina, Missouri, and they do not at this point live in West Virginia. Without the steel retiree provision in this bill, those retirees will continue to go without health care. Is that what we do here? Is that what we do as a legislative body?

Many of these retirees are not Medicare eligible and have no other recourse. We all know about the terrible human scourge of Americans without health care coverage. We have done a lot of talking about that, but we have not done much to cure it. This is not what retirees who spent a lifetime working in the harsh conditions of a steel mill—which my colleagues, Senators MIKULSKI and WELLSTONE, have been in. Many others have, too. I have not. It is like a coal mine; you do not go in very often. It is dangerous, terrible work. They helped us win the war, and now we have a chance to do something for them.

I come back to the fact that the Federal Government has failed the steel industry by not enforcing our national trade laws against dumping, which is what puts them out of work. Steel companies were forced into bankruptcy—as I said, 33 companies since the year 2000—because our trading partners were dumping steel on our shores, and this is not my opinion. This is what the International Trade Commission found unanimously: That our industry had been seriously injured by imports.

Because of the Government's inaction for so long on those unfair trading practices by our trading partners, our domestic steel industry has suffered irreparable harm. People look at that and say: OK, we do not have steel in our State; maybe it is true, maybe it is not. It is true. The Presiding Officer knows it. It is absolutely true. They are falling like flies. Their stock is selling at $1, $2. It is awful.

Section 201 gave them a little bit of a boost, but it is a boost that will only last 6 or 8 months or a year at most, and then it will go right back down. Here we come to the workhorse.

The provision is simply this. The provision will give retirees, many of whom are entering, as I indicated, their second month without health care coverage—85,000 of these workers are former LTV workers, which went chapter 7. They were in Ohio or they may have moved elsewhere. It tries to give them some breathing room.

They will receive the same benefit we are giving TAA-eligible workers to keep their health care. It will allow these retirees some time to figure out how to secure other forms of health insurance. It will allow us who care about the steel industry to figure out how we keep them together in America so we can consolidate and keep a steel industry which a country such as America ought to have.

The amendment has been officially scored by the Joint Tax Committee as costing—and please listen—$179 million over 10 years. The White House has been putting out figures six, seven times as large. It is dramatically less than what people claim this provision would cost—$179 million over 10 years. It is paid for with two IRS administrative positions. The offset is in. It is there. It allow taxpayers to accelerate their payments to the IRS if they so choose to do that. Under current law, they cannot do that. The House has already passed this. They have already agreed to it. It was one of Chairman BILL THOMAS's ideas.

I do not believe any of my colleagues will object to this pay-for and should understand we worked hard to find agreeable offsets, thanks primarily to Chairman Baucus and his staff.

This amendment improves upon an essential reform of our existing TAA program. It gives us health care. It targets temporary assistance to those who really need it.

I urge my colleagues to support this amendment for retirees who are entitled to our help.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

Madam President, I join with pride and enthusiasm my colleagues, Senator ROCKEFELLER and Senator WELLSTONE, in supporting this amendment to provide a safety net for American steelworkers who have been battered by decades of unfair and illegal trade practices.

American steelworkers and their retirees worked very hard and played by the rules. They have served our country in war, building our ships, tanks, and weapons. I was so proud of the fact that in my own hometown of Baltimore, at Bethlehem Steel, we made the steel to repair the U.S.S. *Cole* so it could go back out to sea and continue to defend America.

That is what steel is all about. It builds America. It makes us strong. It has made us strong in war, and it has made us strong in peace, making the steel for our buildings, our cars, our bridges, our roads.

Yet for decades, our Government has watched as the steel industry withered, not because steel was unproductive, not because steel was overpriced, but because of cheap, subsidized foreign steel that has been dumped on our markets and, I might add, below the cost of production. That is what makes it illegal.

The goal of the foreign steelmakers is to destroy our American steel industry. Then foreign producers will be free to raise prices and control production, and the United States of America, the home of the free and the land of the brave, will be dependent on foreign steel for keeping our domestic economy going and keeping America strong.

What would it have been if the U.S.S. *Cole*, banged by a terrorist attack, had had to limp home only while we dialed Russia, Thailand, or Brazil to get the steel parts to send them out to sea? I think it is wrong to let our steel industry die.

While we are going to fight for steel and its future—and we thank our President, President Bush, for the temporary tariffs to give steel a break—our steelworkers are facing a crisis because so many steel companies are in bankruptcy. What that means is, their health care benefits are now at risk. The Rockefeller-Mikulski-Wellstone-Stabenow amendment seeks to help those steelworkers who have suffered the most from unfair trade practices: the retirees whose companies are now bankrupt and whose health care benefits are now at risk.

Our amendment is a simple one, and it is an affordable one. It would provide a 1-year temporary extension of health care benefits for steel retirees who lose their health insurance because of trade-related bankruptcy of their company. Guess what. We have even sunsetted it in the year 2007. This is a bridge to help them.

Madam President, about whom are we talking? Who are the steelworkers? Who are the steel retirees about whom we are talking?

First, the numbers: 600,000 retirees and their dependents; 33,000 in my own home State of Maryland are retired. But it is not about numbers and statistics. It is about people and it is about families. Who are they? Guess what. They have two characteristics in common: One, they all work for steel; two, they have all been good, outstanding citizens of the United States of America.

In my hometown, Bethlehem Steel every year has been the largest contributor to United Way. Those men and those mills, those hot, steamy mills, are the first to sign up for dues checkoff so the Girl Scouts, Boy Scouts, Legal Aid, Meals on Wheels could have their contribution. They are also very often the first to volunteer for any good cause in our community.

When you also look at the data on who are the steelworkers, you find that a high percentage of them are veterans. They were called up and they went to World War II. They went to Korea. They went to Vietnam. And guess what. While they were busy storming Iwo Jima or climbing the cliffs at Normandy, they were fighting for America. When they tried to make their way up Pork Chop Hill to plant the flag, they were fighting for America. When they were in that hell hole of the Mekong Delta in Vietnam, they were fighting for America. Now when is America going to fight for them?

I think it is time America fights for them. The industrial unions had the highest compliance with the draft than any other sector of our society. They did not take academic deferments. They did not go to Harvard to get a theological degree. They did not get a parade when they came home. By God, they ought to at least be able to get their health care in their retirement.

Now that is about whom I am talking. We are talking about the lifeblood of our communities and people who have been giving their red blood for America. This generation has the values that we cherish: Hard work, patriotism, habits of the heart, neighbor helping neighbor. Can we not at least find a couple of million bucks to provide a 1-year bridge to help them get the health care they need?

Last week, I told my colleagues about Gertrude Misterka. Gertrude and I grew up in the same neighborhood. It is a neighborhood called Highlandtown. Our Baltimore neighborhoods have names like that. I know Gertrude because we not only grew up in the same neighborhood, but when I was first running for the city council, going door to door, she and her husband Charlie were living in the neighborhood and said they absolutely would back me.

It was great to see her at my hearing in March, but, my gosh, what an incredible reunion. Gertrude is now a widow. She was married to a Bethlehem Steel worker named Charlie. Charlie worked with Bethlehem Steel for over 35 years. He was also a veteran. Charlie thought that for his 35 years at Bethlehem Steel, he would have a secure pension for himself and his bride. He also believed if he passed away, she would have a widow's benefit, she would have Social Security, and his mind was at peace because she would have her health care.

Even after his death, he thought he could provide for her because the men at the mills believe you ought to really provide for your family.

Well, Gertrude relies on this health care at Bethlehem Steel. She has diabetes, high blood pressure, and asthma.

I said: Gertrude, the naysayers are saying you get gold-plated, lavish health care. Tell me what you get.

She said: BARB, guess what. I get a $100 monthly pension. I do not get a COLA. When you retire at Bethlehem Steel you take what you get, but you do not get a COLA. My pension is frozen.

Out of a $100 monthly pension, she pays $78 each month for her health care premium. So she has this little pension. She has Social Security, but out of her Bethlehem Steel, frozen with no COLA, she pays 78 bucks.

She told me she asked her pharmacist what her medications cost. If she did not have health care, she would have to pay $6,716 for her medication.

Now, she is a diabetic. You do not cheat on your diabetes medicine. What are we going to do if Gertrude goes into a coma? She is going to go into the hospital, and that is mega bucks. You have to take your test. You have to take your insulin. You have to regulate your blood pressure, and you have to take care of that asthma so it does not cause other complications.

I listened to Gertrude that day and my heart went out to her and other steel retirees. I promised her I would fight to help those retired steelworkers. They need a safety net so they do not lose their health care. Then the only reason they will lose their health care is because their companies are in trouble and are going bankrupt because of documented unfair trade practices.

These families worked hard for America, some for nearly 50 years, doing back-breaking work in hot mills and in cold mills. Families now need our help. Retired steelworkers who thought 30 or 40 years of hard work meant security for their families, widows who sent their husbands off to these mills every day: these are the true victims of years of unfair trade practice. So this is why we have our amendment.

American steel is in crisis. Our steel companies are filing for bankruptcy protection; 31 since 1997, 17 last year. Steel mills are shutting down. Steelworkers are losing their jobs. Why are they doing this? Again, this is not happening because of the steelworkers being at fault, the retirees being too greedy, or the companies being poorly managed. The cause of the steel crisis is well-known: Unfair foreign competition has brought American steel to its knees. Foreign steel companies, subsidized by their governments, are dumping excess steel into America's open market at fire sale prices. This is not rhetoric. This is fact, documented by the International Trade Commission.

Last year, they found these violations unanimously.

Let me give an example. The Russian Government keeps about 1,000 unprofitable steel plants open through subsidies. That is not 1,000 steelworkers; that is 1,000 steel companies. Well, it is real easy to compete with them, is it not?

The Russians are our newfound friends, but the Russians will not let us export our chicken legs to them. South Korea has nearly doubled its production capacity since 1990, without the domestic demand to support it. So, zip, in comes their steel. When Asian countries had the collapse of their economies, they again dumped the steel. Was any action taken? Oh, no. The globalizers backed it.

I know we are going global, but while they are going global, we do not have to abandon the people who fought for America. I said earlier in my remarks about why steel is important: The railroads, the bridges, the ships, the tanks. Saving steel is not an exercise in nostalgia. It is a national security issue. We need to maintain production in very important sectors. No more than we want to be food dependent should we be steel dependent.

Our President, George Bush, said steel is an important issue and he said it is an important national security issue. I could not agree with him more. Quoting Senator STEVENS, a great patriot:

> During World War II, we produced steel for the world. We produced steel for the allies. We rebuilt Europe. Could we do it again?

I am not so sure.

America must never become dependent on foreign suppliers such as Russia or China for the steel we need to defend our Nation and keep our country on the go. Tariffs have been imposed by President Bush. I am going to reiterate what I said earlier in my remarks: I really do thank the President for doing that. Those tariffs were temporary, limited to 3 years. They were specific and they were well documented through the ITC. I appreciate the President's action, and that was a very important step, but now we need the next step. Tariffs help the industry. Now it is also time to help the workers and their retirees who will lose their health care if their companies go under.

Senator DASCHLE has led the way to provide a temporary 1-year extension of health benefits to qualified steelworkers. I sure support that. We are also helping with other issues related to current workers. Like the temporary work tariffs gave the companies breathing room to recover, we need a temporary extension of benefits to give workers and retirees breathing room to find health care. This is what we need to do.

I was moved at a hearing by the stories of people such as Gertrude Misterka and others. I have been to the rallies. I have been to the meetings. I feel very close to these workers. I grew up in Baltimore in a neighborhood where most of the people in that community worked either at Bethlehem Steel, Western Electric, or General Motors. Western Electric has since closed. General Motors, we are not sure about its future there. Bethlehem Steel is in bankruptcy. We have real problems. This is our industrial base.

In that neighborhood where I grew up, my father had a neighborhood grocery store. He opened it early every day so that the steelworkers on the early morning shift could come by and buy their lunch. These were the people I knew. These are not numbers and statistics, these are people with names such as Stanley, Henry, and Joe. These workers at Bethlehem Steel were not units of production, they were our neighbors. They were my neighbors, but they are your neighbors.

What did we know about Bethlehem Steel? In Baltimore, we thought it was a union job with good wages and good benefits. Our neighbors could go to work and put in an honest day's work, get fair pay, and come back and build our communities. Right now, most of the Bethlehem Steel workers work very hard. Their commitment to Bethlehem Steel is a commitment to America, doing the work that needs to get done for fair pay and a secure future. We are proud of our workers at Bethlehem Steel. We are proud of what they did at the mill. We are proud of how they defended America. We are proud of the way they prepare the U.S.S. *Cole*.

I think it is time we repair the agreements to assure our retirees have the health care they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleagues, Senator ROCKEFELLER, Senator MIKULSKI, and other Senators who have joined in this amendment. I thank Senator MIKULSKI for her remarks and for reminding Members we are not talking about statistics, we are talking about men and women whom we know and love and in whom we believe. I thank Senator ROCKEFELLER for his painstaking work putting this amendment together.

I am not the insider politician, but I want steelworkers—and not just steelworkers; I want people in the heartland of America, in industrial America—to know exactly what the situation is. It is 5:10 on Thursday night in the Senate Chamber. Here is what is going on. We had an amendment originally as part of the trade adjustment assistance. It was an amendment that said part of trade adjustment assistance ought to be to build a 1-year bridge where we can at least make sure the steelworker retirees—in the case of Minnesota, taconite workers on the Iron Range—who worked hard all their life, and now over 30 companies have declared bankruptcy, including LTV company, a classic example, receive retiree health care benefits. People are terrified.

We said, let's have a 1-year bridge. This was in the original amendment. Senator ROCKEFELLER worked very hard on it. Jay took the lead. Senator DASCHLE deserves a lot of credit. He is the leader of our party. We have this as part of trade adjustment assistance.

The administration came out Wednesday of last week with a letter. They said the cost would be about $800 million in 1 year. They were downright untruthful with the figures. Actually, we were talking about $180 million over 10 years, not $800 million over 1 year. The administration said it was adamantly opposed. It was crystal clear there was no way to move this package forward, and therefore this provision was removed.

I was presiding in the chair when Senator DASCHLE said: I make it crystal clear that all amendments to try to modify this trade adjustment assistance package, I will oppose—but not the amendment that will deal with steelworkers, trying to give them help; I will support that.

Now we bring the amendment to the floor. What does the amendment say? It says as part of this trade adjustment assistance package, $180 million over 10 years, can't we build this 1-year bridge to provide the help to the people who have worked so hard, now terrified they will lose their health care benefits? It is cost effective. It helps people. It is compassionate liberalism, compassionate conservatism, compassionate Democrats, and compassionate Republicans. We ought to do this. It is the right thing to do.

I want steelworkers and their families to know, this is now being filibustered. There are Senators who I assume will be debating this—I hope; certainly not the majority. The good news, Senator ROCKEFELLER: Clearly, we have the majority of the votes. What we have now is no agreement on time, no agreement for an up-or-down vote. This bill is being filibustered. That is where we are. We are in a filibuster situation. One would think it was a cardinal sin and the most terrible thing in the world to try to provide some help to people—which is what this is about. Therefore, this is being filibustered. Therefore, we are going to continue with this debate. There won't even be a vote until next week. That is what is happening right now.

I am pleased we have a majority of the votes. That is obvious, since the opponents do not want an up-or-down vote. We have a lot of support for this amendment. The question is whether we can overcome the filibuster, whether we can overcome the efforts to block this amendment.

I remember Jerry Fallos, president of Local 4108 on the Iron Range of Minnesota, came here within the last month and testified. I cannot say it as well as he can say it. It is amazing. He has seen 1,300 people out of work. People are out of work, and these are good-paying jobs. And now you wonder how you will support your family, and 6 months or a year later you do not have health coverage, and you worry about that. For a lot of the taconite workers, it is their parents about whom they worry.

That is what we focus on, people who are vested, worked a lot of years for companies, and now they are terrified their health care benefits are going to be canceled. Jerry said the people from the Iron Range are used to hard times: We are survivors, though. We work hard. We have always responded to our country in times of need. This steel industry has always been there for our country in times of war. But now we are asking for some help.

I say to the 100 Senators, as you decide how to vote on this filibuster, this is $180 million over 10 years. That is all it is. If you made the estate tax permanent, which mainly goes to millionaires, plus, you would be talking about $8 billion over 5 years. If we can help out the wealthiest people, if we can have all kinds of tax breaks to multinationals, one would think $180 million over 10 years to provide help to retirees, a 1-year bridge before we finally put together a package that will help these people, would not be filibustered.

I cannot even believe we are now out here fighting a filibuster, but that is the situation. I ask the question, Where are our values? Where is our collective humanity? Are we going to step up to the plate and help people? This is a very modest amendment. We have passion about this because it is people we know and we love and in whom we believe.

I told Senator ROCKEFELLER about one discussion I had with one steelworker. He said to me: Now we are counting on you all. A lot of our lives are at stake. People's lives are at stake.

That is not being melodramatic. Senator MIKULSKI used the example of prescription drugs. Elderly people are terrified. They do not know how they will afford the costs. They worked hard. They did everything for our country. Companies now declare bankruptcy and walk away, and they don't know what they will do.

We say can't we, over 1 year, provide help while we work together and come up with a package to help the retirees and help the steel industry get back on its feet? That is no small issue to the economy of the United States of America.

I want to talk a little bit about the position the administration has taken. I will try to be well behaved.

I do want to say on section 201 that the administration has already entertained all sorts of exemptions. There are now a thousand exemptions to the President's section 201 decision and Secretary O'Neill is reported as saying that a significant portion of them will be favorably decided. So it may not provide us with the trade relief we were hoping for, though as Senator MIKULSKI said, it is surely a step forward.

On the Iron Range it was not. On the Iron Range you have tariff rate quotas, so basically until you have 7 million tons of slab steel, that can come into the country without any help whatsoever. That is what we have right now. That is what has put our taconite workers out of work. So it simply does not help at all.

Then you have 32 U.S. steel companies in the last 2 years that have filed for bankruptcy. That is just unbelievable. That is 30 percent of the domestic steelmaking capacity. When they file for bankruptcy, this is terror that people then have to deal with because then they can walk away, and they do walk away from retiree health benefits. That is what we are speaking to.

Let me just be really clear. There is a bipartisan group of Senators who have been working on the Steel Industry Retirees Benefits Protection Act, Democrats and Republicans. We all know there is a lot of work to do. The question is whether or not we can have this 1-year bridge. We can do something for people who, right now, are flat on their backs, who are terrified, who are worried. We can get some help to them because they are in this position through no fault of their own. Nobody can say that retired taconite workers and steelworkers are in the position they are in right now, worried about how they are going to afford health care costs, because they are slackers or because they are cheaters or because they don't work hard or because they are not loyal or because they are not patriotic or because they don't love America or because they have not done everything to serve our country. They have done all of that and more.

The only thing we are asking is whether or not the Senate and this administration will help these families.

I do not have the years or the savvy of either of my colleagues out here, but I have been here now 11½ years. I can figure out what is going on. This is an amendment that is tough to be against. This is a high moral ground amendment. There is a lot of passion behind this amendment. There is a lot of decency behind this amendment. Frankly, it is all about helping people—people who richly deserve and need the help.

I think we have a majority vote, but the opponents will not give us that vote. They will not agree to a time limit. So we will be at this for the next several days. We will be at this over the weekend.

I hope steelworker families and other families all across the heartland of America are in touch with all Senators because we are going to do everything we can to overcome this obstacle, this filibuster. A good, strong vote is important, and I am delighted because we have that; otherwise, there would not be a filibuster. Now we have to deal with the filibuster. I hope Senators will be there to support these steelworker retirees.

I do not know about my colleagues, but for me, I have been waiting ever since this debate started on fast track for this amendment because here is where I think Tip O'Neill's adage about ''all politics is local'' is absolutely true. I would not make any apology to anybody about this.

Senator ROCKEFELLER and Senator MIKULSKI, there is nothing I want more in the world than to pass this amendment. We passed it already. We have over 50 votes. That is why it is being filibustered. There is nothing I want more in the world than to make sure we are able to come through for people. That is why this amendment is important: Not because of some strategy, not because of some tactic, but because it is on the floor of the Senate, it is 5:30 Thursday night but, darn it, this amendment is directly connected to the concerns and circumstances of the lives of people we represent.

This is the right amendment. There is no other reason to be in the Senate than to try to pass this kind of legislation to help people—no other reason.

Nothing can be more important, and I hope we will have the support of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would like to introduce a few things in the RECORD.

First, I ask unanimous consent Senator ARLEN SPECTER of Pennsylvania be added as a cosponsor. He is the co-chair of the steel caucus.

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

Mr. ROCKEFELLER. I also ask to have a letter from the vice chairman, president, and CEO of Nucor, which is the largest minimill in the United States, be printed in the RECORD.

In the steel industry you have some conflict between integrated steel mills and minimills which take scrap and turn it into steel. It is an arcane but nevertheless very real conflict.

I called Dan DiMicco in California about this amendment. He has written me a letter saying they have no problem with it at all. In no way will they oppose this proposal.

Nucor has long advocated consideration must be made for displaced steel workers or retirees in transition due to permanent plant closures.

One of the reasons he is for this is a point I made earlier. This money does not go to companies. It does not go to integrated steel companies or minimills. It goes to human beings.

I ask unanimous consent to have this letter printed in the RECORD.

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

NUCOR CORPORATION,
Charlotte, NC, May 6, 2002.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: I understand legislation pending before the Senate would make certain steel industry retirees who have lost their health care coverage eligible under the Trade Adjustment Assistance program for federal assistance in obtaining health insurance coverage through COBRA or state sponsored plans for one year.

Nucor Corporation will not oppose this proposal. Nucor has long advocated that consideration must be made for displaced steel workers or retirees in transition due to permanent plant closures. The continued surge of illegally traded steel has devastated communities across America and left many retirees and their families without access to health care.

As I understand the proposal under consideration, it would help the retirees who have lost health care coverage due to permanent closure of capacity directly and is for a limited period of time. As such, I do not believe it would adversely affect Nucor because it would not allow companies to discharge their legacy obligations onto the federal government. We continue to believe that pension and health commitments of surviving mills should remain the responsibility of those mills, not of the taxpayers or the rest of the industry.

Sincerely,

DANIEL R. DIMICCO,
Vice Chairman, President & CEO.

Mr. ROCKEFELLER. Mr. President, I also called Governor Bob Taft of Ohio yesterday afternoon. I told him we have this situation, we have this amendment. Yes, of course, LTV is located in his State, but that doesn't mean necessarily all the 85,000 steel retirees are located in his State. I met Governor Taft back in the 1960s. I don't know him well, but he is a fine Governor. He is a conservative Governor, a responsible Governor, and he did something I thought very unusual.

What I was asking for was a letter of support for my amendment. The Governor gets this phone call from some United States Senator at 6 o'clock in the evening saying: Can I have a letter from you by noon? That is when this Senator thought we were going to be doing this legislation today.

He sent it. He sent it to Senator VOINOVICH, which is what he should have done. He is a cosponsor of the bill. But in it he says:

Retired steel workers, similar to their currently employed counterparts [active workers], are suffering irreparable harm as a result of unfair trade practices. This amendment offers temporary relief for those retirees in the greatest need.

I urge you to support this amendment and thank you for your attention to this important issue.

He says a lot of good things about the amendment. I ask unanimous consent that also be printed in the RECORD.

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

STATE OF OHIO,
Columbus, OH, May 16, 2002.

Hon. GEORGE V. VOINVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: I am writing to express my support for an amendment planned to be included in the trade adjustment assistance section of the trade bill being considered today by the Senate. As you are aware, the health benefits of retired steel workers have been terminated as a result of failed steel companies. Tens of thousands of retired steel workers, concentrated in Northeast Ohio, are now without health care or are struggling to pay expensive premiums.

I commend the President for his imposition of significant remedies to defend our nation's steel industry from the unfair trade practices of some foreign producers. Unfortunately the relief did not come soon enough for some companies. Major steel manufacturers have permanently closed, health care and pension funds are exhausted and retirees are left with few and costly health care options.

The Health Care Benefits Bridge program will allow retired steel workers to receive a health care credit for one year equal to 70 percent of the total cost of premium of health care coverage under COBRA or state established plans. The retirees would be responsible for the remaining 30 percent. The bridge plan would limit eligibility those retirees who have lost health care coverage because of the permanent closure of their former employer.

Retired steel workers, similar to their currently employed counterparts, are suffering irreparable harms as a result of unfair trade practices. This amendment offers temporary relief for those retirees in greatest need.

I urge you to support this amendment and thank you for your attention to this important issue.

Sincerely,

BOB TAFT,
Governor.

Mr. ROCKEFELLER. I also want to make one point clear. Some people say: Why can't the Department of Labor—which sort of decides on TAA matters—why doesn't it just include, administratively, steel retirees?

They cannot. They do not have the power to do that. They do not have the authority to do that. The retirees we are talking about—Senator WELLSTONE, Senator MIKULSKI, myself, and Senator STABENOW, who obviously wants to say something—they do not have the power to do that. They cannot include them on their own. It can only be done through action of the Congress, which is why this amendment is before us.

Back last summer, a number of us were doing the legacy bill, which is sort of the big solution, a $16 or $17 billion solution. And there is a great reason for that; it just did not happen to be a very compelling one at the time we were doing it. But you have to do three things to make steel work.

I apologize to my colleague from Michigan, because I know how much she wants to speak.

You have to invoke section 201. That is the International Trade Commission. The Finance Committee had voted to do that. Oddly enough, the Finance Committee has the same power under the law to invoke the International Trade Commission on the subject of imports and the damage from imports as does the President of the United States. So does the Ways and Means Committee. They did not choose to invoke it. We did. So had the President not invoked section 201, we would have, and already had voted to do so. So the same process would have taken place.

The first thing you have to do is invoke section 201. What does that do for you? It gives a little bit of a lift in the market, as I indicated, for 6 or 8 months. People feel a little bit better. But it does not last. It did buy us time, and we needed time. Because we have to think, how are we going to keep the steel industry together? How can we have a 40 or 50-million-ton steel industry in a place called the United States of America, which sort of started this whole thing?

All around the world, everybody, when they want to get into the United Nations, they start a steel industry and they buy a 747. Now, that is a little crude, and I apologize for saying that, but, frankly, that is what you do to establish yourself as a real country: You have a national airline—it might be one plane—and you have a steel industry. So these imports just come flowing into our country from all over the world. People underestimate the power of that. Of course, they are cheap because they are dealing with $1-an-hour labor, a little more or a little less. And

then sometimes our industries have to buy that because they have to survive.

So I want to stress the urgency of particularly what has happened between 1998 and 2000 and 2001, where this enormous import surge overtook the United States in steel at the same time as another surge of total neglect on the part of the Government. This is not a partisan statement about this administration. It was the same thing in the last administration.

I can remember endless hours in the steel commission arguing with Bob Rubin, Gene Spurling, and Charlene Barshefsky, and all kinds of high and mighty people. And they said: No, globalization is the deal. I said: I agree; it is the deal, and I voted for PNTR, and all the rest of it. But, frankly, we have something called a steel industry in Senator STABENOW's State and my State, and it is sort of the heart and soul of America. But they were not interested.

I think Senator WELLSTONE's $800 million figure was, in fact, e-mailed by the White House to a whole lot of Senate offices just as late as this afternoon, trying, again, to scare us away from this amendment based on cost.

I will just end with this thought. It almost seems impossible we would be bringing an amendment to this body, an amendment which only affects 125,000 people at the present time, and they have to go through so much to even qualify. They have to have worked in the mill 15 years, and all the rest of it. And if the mill goes chapter 7—that is, goes belly-up, completely—it has to do so by January of 2001. And then it only lasts until January 1 of 2004. That means, if a West Virginia plant or a Michigan plant went belly-up and shut out the lights, sent out pink slips, with no health benefits, nothing, everything goes. The Pension Benefit Guaranty Corporation does take care of the pensions, but nobody takes care of health care. Nobody takes care of health care for these people.

We still provide this amendment, which is so tightly constricted to 125,000 people, costing $179 million over 10 years. Frankly, I don't know why the White House does not say: We want this. We accept this. We will take credit for it. It is a no-brainer. Yet, obviously, it is the subject of filibustering and all kinds of divisions. And I regret that very much.

There is really nothing quite like a steelworker. They sweat and toil, as you can imagine. It is so dangerous. They lose arms, fingers, legs. They work in 125 to 130-degree heat in the summer. I am not pleading for them. I am just simply saying that when their company goes belly-up because of Government inaction, by not enforcing the Federal laws against imports, they deserve—if not to get cash, if not to get training, if not to get other benefits—at least to get health care benefits.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise with great pride to be a cosponsor of this amendment. I thank my colleague from West Virginia for his passion, his compassion, and his advocacy for great Americans—our great American steelworkers. He has been here over and over again fighting on behalf of the industry, fighting on behalf of workers, many of whom are in Michigan. I thank him for his leadership. I also thank Senator WELLSTONE from Minnesota for his ongoing leadership and advocacy for our steelworkers, as well as thanking Senator MIKULSKI from Maryland.

This is a dynamic trio that I am very proud to join, and I very much appreciate the fact that they are coming back over and over and over again until we can get this done.

I share my colleagues' view that we are coming with a critical yet modest proposal in terms of how we debate in the Senate, covering 125,000 retirees with health benefits at a cost of $179 million over 10 years, which certainly sounds like a lot of money, but in terms that we are debating, it is a very small amount to put aside for a group of people who have worked their whole lives to build America.

I find it so amazing, as we debated other bills—and we have talked about our overreliance on energy and the need to do more domestic production—that we, at this time, would not be up in arms about the possibility, hopefully not probability, of losing an American steel industry. I cannot imagine, in this time that we are focused on national security and war on terrorism, that we would even, in any way, allow the possibility that we might lose our domestic steel industry. Yet that is what is happening in our country.

We have only six iron ore mines in the country: four in Minnesota and two in Michigan. When they are closed, we will no longer have the ability to pull the raw materials out of the ground.

The men and women in the upper peninsula of Michigan work very, very hard. They and their families have gone through layoffs. They have gone through mine closings. They are on the edge. This proposal is simply to say that for those who are already retired, who had health benefits, who were promised health benefits, whose companies closed—and we had over 33 of them closed since the year 2000—we would give them a 1-year reprieve, 1 year of health care benefits, to try to help in the transition.

I very much appreciate the fact that the President has acknowledged the concerns about steel and taken some action. There are efforts right now to help the industry, to address the question of unfair dumping. This is a small bridge for 125,000 people who are retired from an industry that is critical. They built America. And I believe we owe them at least that.

For those who are now working in the great State of Michigan, whether it is in the upper peninsula or whether it is in the lower peninsula of Michigan, down river or metro Detroit, we owe them, as well, to stop the dumping, the unfair competition, so that we can give them an opportunity to succeed and give our steel companies, which are making investments, are efficient, and doing everything they can to stay afloat, the opportunity to succeed because we, as a country, need them to succeed.

The issue of steel in our country today is absolutely critical. While we are working to find ways to stop unfair trade practices and, hopefully, the mechanisms and remedies that have been put into place will have some kind of positive effect—we certainly hope so—while we are working for other ways to support the steelworkers and their families, to support the businesses, this is a small way to acknowledge the significance and the importance of the steel industry and the steelworkers in the United States and to say for those who are retirees, who assumed when they would retire that they would have their health care benefits and who have lost them because of unfair competition, because of dumping in our country from other countries, that we, in fact, will recognize them in this whole question of trade adjustment assistance.

I am proud to stand with my colleagues. I ask that we come together in a bipartisan way. With a small amount of investment, we can make a major statement and help 125,000 great Americans. I hope we will do that.

I urge strong support for the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I see a few of the sponsors of the amendment are present. Maybe either one of the sponsors, since they know more about this amendment than I, might be able to respond.

I am wondering how much this amendment will cost. How much does it cost per family, per beneficiary? Would either the Senator from West Virginia or the Senator from Maryland tell me that? Many times health care per family costs $7,000; sometimes steelworkers have very generous plans. Could they give me some idea of what it costs per family?

Mr. ROCKEFELLER. As to the matter of how much it costs each family, that is not yet available because the circumstances vary enormously. Sometimes there might be a little bit of health care left over. In virtually all cases, there was none left over.

The fact is the Joint Tax Committee, which looked at this in a rather conservative fashion, came out with a $179 million cost over a period of 10 years. I don't think the Senator from Oklahoma would challenge that.

Mr. NICKLES. Per year or $179 million over a 10-year period?

Mr. ROCKEFELLER. Over a period of 10 years.

Mr. NICKLES. Does the program last for 12 months? How many months of

health care are we providing for retired steelworkers?

Mr. ROCKEFELLER. If the underlying amendment, referring to the TAA in general and health care, prevailed——

Mr. NICKLES. Just the steelworkers.

Mr. ROCKEFELLER. I am answering, if the Senator would allow me to answer the question the way I would like to. That can provide health care for a couple of years, but not with the steelworker retirees. That is only a 12-month period, and that is it, once.

Mr. NICKLES. I am just trying to learn what is in the Senator's amendment. I am going to debate against it in a minute, but I want to educate myself on what I am debating.

The cost is $179 million over 10 years, but the program for steelworkers only lasts for 1 year, the 12 months' benefits. So it is actually about $179 million for 1 year's benefits for the eligible steelworkers in the Senator's amendment?

Mr. ROCKEFELLER. That is correct. I think I understand what the Senator is also asking. And that is, if it is a 1-year program, we are only talking about 10 years. I would be happy to hand over a chart exactly of what is proposed. In fact, the funding is zero for this year, 86 for next year, 25 for following, 15, 16, 2, and then there is a series of just dots and dashes, not contemplating that there will be anything in the succeeding 10 years. That is what it was done for. It was done for 10 years.

Mr. NICKLES. I will ask either Senator, the duration of the amendment to benefit only the steelworkers is for 12 months. I happen to have great respect for the Senator from Maryland and the Senator from West Virginia. I have a feeling that if that 12 months was expiring, that you would be coming for an extension of the 12 months.

Mr. ROCKEFELLER. The Senator is entirely wrong in that. I apologize to the Senator from Maryland. That is incorrect. This is not a question of something which comes up for reauthorization. This will not happen. One year, once.

Mr. NICKLES. In the underlying Daschle amendment that was introduced a week or so ago, it was a 2-year program; isn't that correct?

Mr. ROCKEFELLER. In the underlying amendment for TAA workers who are different than steel retirees; those are active workers you are talking about. I am talking about steel retirees.

Mr. NICKLES. Correct me if I am wrong, active steelworkers would apply and would benefit under the TAA proposal as any other TAA eligible employee. The Senator's amendment applies only to retired steelworkers?

Mr. ROCKEFELLER. That is correct.

Mr. NICKLES. And correct me if I am wrong, you are talking about retired steelworkers basically in two plants, is that accurate? Or is this retired steelworkers, any steelworker who happens to be retired? Or is it specifically to steelworkers who are in chapter 11 or chapter 7?

Mr. ROCKEFELLER. If I can answer the Senator's question, it is not any steelworker. It isn't anybody in chapter 7 or chapter 11. It is only to those who are vested, which by itself is a 15-year requirement. They get nothing that TAA, if it were to pass, would get in the way of, say, 2 years of health care. They don't get any cash. They don't get any transition. They don't get any retraining. All they get is 12 months of bridge health care, period, once.

Mr. NICKLES. Since we are not going to vote on this today and you are sponsoring the amendment, I have heard the arguments made. We want to help these families. And you are providing health care for the families, 125,000 families, I believe I heard you say. I would like to know, health care costs so much per month, so much per year per family. I would love for my colleagues to tell me how much these plans cost so we would have a little better idea of the per-family benefit.

Mr. WELLSTONE. It is 70 percent of the COBRA cost. That is what this amendment is about. It is the same. COBRA costs on average about $700 a month. This picks up 70 percent. That is what we do for other employees. That is the cost.

Mr. NICKLES. I am happy to know that. So if COBRA costs $700 a month——

Mr. WELLSTONE. That is an average.

Mr. NICKLES. I am just trying to make sure we find out what we are talking about. If COBRA costs $700 a month and you are talking about 70 percent of that, that is $500 a month. And you are talking about 12 months, so you are talking about $6,000 benefit per year. Is that pretty close to accurate? I am just trying to figure this out so I will know, if we are getting ready to give benefits to one particular group—as a matter of fact, a couple of companies—I kind of need to know. I think it would be nice for the taxpayers to know.

I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. First of all, I am so glad that the Senator from Oklahoma is in the Chamber. We are glad that Members who have concerns or even opposition are here. Let's do the clarification.

The Senator asked about the annual cost, $179 million over 10 years. First, in the year 2003, $85 million; 2004, $25 million because of a population dip; then up to $50 million in 2005; $18 million in 2006; and $2 million in 2007. And this is sunsetting at 2007. So the bill has a sunset.

Mr. NICKLES. I think I have the floor.

Ms. MIKULSKI. I just wanted to add about the complexity of going to the family because you see these retirees, and the way this would work is that it is a tax credit to the risk pool that takes this on. So we are not quite sure what the individual family premiums would be. We asked Joint Tax and the Budget Committee, those who advise us, to tell us what would be the annual estimates, and then an estimate between now and 2007.

Mr. NICKLES. Well, I am not a big fan of tax credits, just so the Senator from Maryland knows—and the Senator from West Virginia already knows this about the Senator from Oklahoma. Therefore, I question the wisdom of doing this in tax credit form. It would be a lot more direct, legitimate, for scorekeeping and otherwise, to say we are going to write a check, and here are thousands of people, and say pay for your health care, than to try to go through silly system of tax credits, where it doesn't work very well. I think maybe I will explain that at some point.

I am trying to have a better understanding. If you have a 12-month payment—or assistance in payment, 70 percent—for steelworkers, and we are doing that for 12 months, this is 2002; why are we making payments in 2004 and 2005? I don't understand that.

Mr. ROCKEFELLER. I will be happy to try to answer that. First of all, included in the $179 million—which I assume came as some surprise to the Senator from Oklahoma, because that is the entire cost over the entire amendment—the scoring group took into account what would happen, for example, not with just the 125,000 we have this year, but suppose Bethlehem Steel in Maryland, as could happen, went chapter 7, went belly-up next year; the Senator from Oklahoma should know—and there might be some residuals; there might be a caretaker or grandmother who has a dependent. If that company goes belly-up, that is already included in the $179 million. They looked at the condition of what they adjudged to be the steel industry and its future, and the health care cost attending to that and made their judgment. So your question still comes back to $179 million.

Mr. NICKLES. I appreciate the clarification. If a company went bankrupt in 2004, they could receive benefits under this amendment, is that correct, up to 12 months?

Mr. ROCKEFELLER. If one takes the scoring of this offset, one could posture that, and one could also raise the question that it might not happen. They were trying to figure out as best they could—and who can figure these things out absolutely perfectly—what is likely to happen in the steel industry and what the health care consequences are for retirees. All of that fits within the $179 million.

Mr. NICKLES. I wonder, as well, as the sponsors of the amendment are very close to the steelworkers, if they can provide this Senator, over the next couple of days, what the benefits are and what the benefit package costs for retirees. Those are collectively bargained packages. I could probably find

that on the Internet. These are packages they provide for retirees. Given this fact, I would like to know, are we subsidizing plans that are very generous, comparable to Federal employees? I don't know.

Mr. ROCKEFELLER. If I may answer the Senator, unlike the coal industry, the steel industry has a whole series of different bargained health benefit packages. I don't know exactly, but my guess is that right now the steel companies probably pay about 90 percent of the health care costs of the steelworkers, and the steelworkers pay 10 percent. So they have already gone from 90 percent down to 70 percent, and then they have their choice, as the Governor of Ohio, Governor Taft, indicated, of using a variety of risk pools. It could be a variety of programs, but it is not a constant figure. It could vary, and it is definitely not based upon what it is they negotiated. They have made tremendous cuts and sacrifices from the agreements they negotiated with the steel company.

Mr. NICKLES. What age of eligibility can people—when you think of retirees, you think of somebody at age 65. What is the earliest age a retired steelworker might be who might receive benefits under this proposal?

Mr. ROCKEFELLER. As best we can figure, 25 percent of the steelworkers who might receive this proposal are not receiving Medicare. As such, none have prescription drugs.

Mr. NICKLES. Correct me if I am wrong, so you have it that 75 percent of the pool are now Medicare eligible, is that correct?

Mr. ROCKEFELLER. Without the prescription drugs, correct.

Mr. NICKLES. And 75 percent of the beneficiaries—the 125,000 people—are eligible for Medicare, is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. NICKLES. And 25 percent are not eligible for Medicare, so presumably under the age of 62, is that correct.

Ms. MIKULSKI. Under 65.

Mr. NICKLES. I stand corrected, 65. So what is the earliest age that a beneficiary can receive benefits under the Senator's proposal?

Mr. ROCKEFELLER. I don't think it is a question of what is the age. It is a question of what happened to the company, when did it fit into the dates. We have constricted it by saying that the company had to go belly-up, so to speak, by January 1, 2000, until the year January 1, 2004. You cannot tell what the age might be. We could presumably find out what the ages are right now, but you cannot predict that in the future because it does not depend on the age; it depends upon whether the company has gone out of business.

Mr. NICKLES. One additional question. If a young person—say my son, or your son, is twenty-years-old, goes to work for a steel company and works there for 12 years or 15 years. Now they are 35 years old. Company XYZ goes bankrupt, so now that individual would they be eligible for this benefit at the age of 35?

Ms. MIKULSKI. Yes. The eligibility is based on the status of the company, meaning is it bankrupt; No. 2, if the individual has worked for the company for 15 years, not less, and if they have taken retirement. Now, they could be 38 years old. The company could be bankrupt. They could be out of work. That doesn't mean they have become retirees. So your scenario, though I think it would be technically correct, is not operationally correct.

So 75 percent are Medicare-eligible. The other 25 percent usually are over 55, but are primarily between 60 and 65. This is why we are calling part of this a bridge. For some, it would be 1 year to even get them to Medicare.

Mr. NICKLES. Let me ask one other question. To be eligible, then they have to be receiving retirement pay to be called a retiree?

Ms. MIKULSKI. Yes.

Mr. NICKLES. So you could work 15 years and I don't know how many years you have to work—

Mr. ROCKEFELLER. May I correct the Senator for a second? Remember that the company they are working for no longer exists in order for them to qualify.

Mr. NICKLES. I understand. I am trying to figure out who is eligible. So I think I heard the Senator from Maryland say they are eligible if they are receiving retirement checks. They may be receiving the checks from the steel company, which even though the company went bankrupt, it may well still be making payments for pension benefits, or maybe it dumped their liabilities on the Pension Benefit Guarantee Corporation, or there may be some other consortium employer payment plan. But if they are receiving their retirement check, they are classified as retiree. What is the earliest age a person can be receiving a retirement check as a steel worker?

Ms. MIKULSKI. That would vary company by company.

Mr. NICKLES. After 15, 20 years of service?

Ms. MIKULSKI. Usually after 20.

Mr. NICKLES. A couple other questions, and then I will make a few comments.

If we are doing this for the steelworkers, how can you say we should not do this for the textile workers?

Mr. ROCKEFELLER. Can I answer the Senator's question?

Mr. NICKLES. Why shouldn't we do it for the communication workers or the airline workers or the hotel workers in Nevada?

Mr. ROCKEFELLER. May I answer the Senator's question?

Mr. NICKLES. Yes.

Mr. ROCKEFELLER. There has never been a case I know of in American history where the Government, over a period of 30 years, since the passing of the Trade Act in 1974, has been so absolutely unilaterally egregiously negligent of the interests of fulfilling American law which says that steel cannot be dumped at lower than its cost of production by other countries into this country.

As my colleague may remember, President Clinton promised—actually it turns out it was West Virginia—he would not allow dumping to happen. The present administration has made similar types of promises. They and all other administrations have egregiously ignored the law. That is why I keep saying the Government's negligence is what makes the steel retirees so different in what they deserve and what they should get in the way of this modest health benefit for so few, primarily because, one, they have been injured by imports—that is what the International Trade Commission said—and second, the Government has been so totally negligent. Much of this is the Government's fault they are out of work—our Federal Government.

Mr. NICKLES. I appreciate my colleague's response. I want to make a few comments, and I appreciate the patience of my friends and colleagues from Maryland, West Virginia, and Minnesota.

Mr. WELLSTONE. Mr. President, can I say one thing? I am not taking the floor. I know the Senator from Oklahoma wants to speak, and I will have a chance to respond. I thank him for his questions. It is important to get all of this information out. It is important for people to understand the human crisis.

I say to my colleague, there are a lot of people who are really hurting out there, as my colleague from West Virginia has said; people who have been on the short end of the stick for over three decades of negligent policy. I thank my colleague very much for his questions.

Mr. NICKLES. I thank my friend from Minnesota.

Mr. REID. Mr. President, will the Senator yield so I can make an announcement to the Senate?

Mr. NICKLES. I will be happy to yield.

Mr. REID. Mr. President, the majority leader asked me to announce that there will be no more rollcall votes tonight. Also, tomorrow, after we have the vote at 10:30 a.m., there will be ample opportunity for those who are on the list to offer amendments if the Senators involved in the steel issue have nothing more to say and they have no objection to setting aside their amendment.

Also, we will be in session on Monday. People who are complaining about not having an opportunity to offer amendments, tomorrow and Monday there will be adequate opportunity to do that. There will be no votes, but there will certainly be opportunities to offer amendments.

Mr. WELLSTONE. Mr. President, can I ask the whip one question?

Mr. REID. Yes.

Mr. WELLSTONE. I know other Senators have amendments. I gather there

will be some opportunity for discussion in the morning on this amendment, and there will be other amendments. On Monday, is it the whip's intention we will be in session Monday evening as well for time to discuss this amendment?

Mr. REID. The Senator should know, there are no votes on Monday, so I do not know how late the leader will want to stay in session. I assume we will come in around 1 o'clock on Monday and work all afternoon. If the Senator from Minnesota wants to talk about steel, that will be the first priority. If Senators no longer want to talk about steel, we can, if Senators agree, set that amendment aside so other amendments can be offered. There will be adequate opportunity Monday evening to talk on this all the Senator wants.

Mr. WELLSTONE. Then Tuesday we will have time for final debate as well.

Mr. REID. We will make sure that is the case.

The PRESIDING OFFICER (Mr. DAYTON). The assistant Republican leader.

Mr. NICKLES. Mr. President, I thank my friend from Nevada. I also urge colleagues if they have amendments to bring them down. I hope and pray we will be ready to conclude this bill soon.

I do not think the amendment my colleagues from West Virginia and Maryland offered should be included in the bill. I think it is a killer amendment. I am concerned what people are trying to do in loading up the trade promotion authority bill. They know President Bush wants trade promotion authority, as every President has wanted trade promotion authority. Every President wants to negotiate trade deals because they realize if we are going to be the world leader in trade, we need to expand trade.

We have been the beacon, the leader for trade all across the world. President Reagan, whom we honored today with a Congressional Gold Medal, was adamant in saying we want to expand trade. We did so, and that greatly contributed to the fall of communism. It opened up markets. It created jobs. It led to a robust world economy. Everybody started realizing that trade is mutually beneficial, we should pass trade promotion authority, and every President has had trade promotion authority going all the way up, including President Clinton. He had it in his first couple years but lost it in 1994, and did not ask for it until after the 1996 election.

When President Clinton asked for it, he could not get it through the House. He could have gotten it through the Senate. We had the votes for it. The Senate traditionally has been more free trade. Unfortunately, he did not get it for the duration of his term, and many of us supported giving it to him.

Whether the President was Republican or Democratic, we felt it was important. We happen to be supporters of free trade enough to know we have to be the leader in free trade if we are going to make it happen. It did not happen. President Bush asked for it and got it through the House. It is always more difficult to get it through the House than the Senate. President Bush got it through the House. Everybody said it was going to go through the Senate.

Senator DASCHLE said: I support trade promotion authority, but we are going to add two other bills to it. Senator BAUCUS agreed. I disagree with it strongly.

When we passed these bills out of the Finance Committee, they were not together. They were individual bills, as they always have been. We have always had trade promotion authority as one bill. We have done the trade assistance bill separately and both passed with large margins, usually a 70-vote margin. We did not have to tie the two together.

Unfortunately, Senator DASCHLE and Senator BAUCUS tied in the Andean trade bill, which actually has to pass today, and it is not passing today. Now we could have imposition of tariffs on poor countries, Andean nation countries. It would be a disgrace for us to let that happen.

Yet the Democratic leadership said we are going to tie all three together. Basically, what they were saying—and not hiding it—is we are going to hold trade promotion authority and Andean trade hostage until we get a lot of other things added to the trade adjustment assistance bill. I supported trade adjustment assistance, but let's look at how they are trying to expand it.

They said: Let's have trade adjustment assistance, which is supposed to train people if they lose jobs due to imports, to learn a new job, new business, new trade. I fully support this. Usually it costs about $10,000 per person. Only one out of four who is eligible applies. The Democrats are saying now we want health care to be a benefit for this and have the Federal Government pay three-fourths of the cost. That was their original proposal. Now it is 70 percent. We do not pay three-fourths for anybody. Why is it a Federal responsibility to pay now a 70-percent tax credit? Most corporations get a deduction. That is 35 percent of a deduction. There is a big difference between a 70-percent credit where the Government is writing a check and under this proposal. This proposal is a refundable credit, it is a welfare payment, it is the Government writing a check. That is very expensive.

Then some people say: Maybe we can do that. That is not enough. Now we are going to have steel legacy costs for one industry, and now we find it is not just one industry, it is not just retired steelworkers, it is retired steelworkers for a couple of bankrupt companies. These are companies that went bankrupt, and we are going to pick up their health care costs.

Three-fourths of these individuals are already eligible for Medicare. They are in the same Government health care program that my mother is in and that most senior citizens are in, but my colleagues are saying that is not good enough; we have to have the Federal Government provide additional health care.

A lot of companies do offer Medicare supplements. Great. And they do that in a way that says: We do not want anybody to go out of pocket for anything. That is nice. It is a fringe benefit. Only some companies do this, as it is not available for everybody. There are a whole lot of people who only have Medicare. My colleagues want the Federal Government to pay for Medicare supplements for retired steelworkers if their company went bankrupt.

Why are we going to do that? If we do it for them, why not do it for textile workers? They have the same problems. Why do we not do it for communication workers? Senator LOTT—WorldCom is going through a heck of a debacle. They have laid off thousands of people.

What about other communications companies? We see layoffs after layoffs. Is the Federal Government picking up their health care costs? Where are we going to stop this march toward socialism with Government saying: We will benefit this group and this group.

We benefited the railroad retirees. We helped take care of their railroad retirement plan. Yes, we have done that. Let's take care of steel.

We have already imposed tariffs that are supposed to help the steel industry. That is not enough. So even though we are going to have all kinds of tariff protectionism for the steel industry, that is still not enough. Now we are going to pick up the retirement costs for some of the bankrupt companies. Why do we not have a real incentive for people to sign any kind of contract, whether they can afford it or not, because Uncle Sam is going to pick up the cost? Wow, that is terribly irresponsible policy. How can it be done for this group and not for another group?

When we start this policy where Uncle Sam is going to start picking up retiree costs, I am figuring out you can be 35 or 37 years old and get benefits under this proposal. Most people who are 37 years old—my son is about that age. I do not think of him as being retired, but to think my daughter is going to have to be paying taxes for him to get health care benefits is absurd. Yet that is what we are trying to do in this legislation.

I am amazed at the fiscal irresponsibility that people are trying to put on this, and when I say ''people,'' I am thinking right now of the Democrats who are trying to run the trade adjustment assistance and trying to attach more and more stuff on it, and maybe it is because they really do not want trade promotion authority in the first place. Maybe some of the people are saying, we did health care, we did not think some of the Republicans could agree with that, now we will try to see if we can't put steel legacy; let us put more and more on this wagon and see if

trade promotion can keep pulling more and more along. They are going too far. This is terrible policy.

I used to run a company that had the steelworkers in our plan. I have negotiated steelworker plans, so I know a little something about health care costs and I know a little something about plans. You can negotiate contracts you cannot afford. That is an easy thing to do. You go along to get along. You sign contracts. You have peace and harmony, and all of a sudden you have a contract you cannot afford, and you go bankrupt. Why in the world should the Federal Government be bailing out?

I do not think you can do that. If you do it here, why don't you do it for every other union contract that has found itself on the wrong side of the economic chain? Why don't we pick up the health care costs for railroad retirees? We took up their pension costs. Why don't we do their health care costs? Why don't we do that for other unions? I do not know where you would stop if we agreed to this.

We have already had a battle on, are we going to have wage insurance on this bill? Unfortunately, Senator GREGG's amendment did not pass. Wage insurance, which is about as socialistic a direction as one could go, was put on this bill. It is almost like people are saying we are going to keep loading up trade adjustment assistance, where we know they cannot swallow it, where we know we are going to bog down this bill, and the bill will not pass. This bill is just going to be loved to death. We are going to keep piling it on, piling it on, and piling it on.

I hope people will step back a little bit and say a couple of things are happening. One, we happen to have a deficit. We do not have a surplus. So we are going to be taking taxes and we are going to be borrowing money to pay for a brandnew benefit for one little group of workers. Now, maybe that group of workers has a lot of political clout, maybe they contribute to a lot of campaigns, maybe they have a lot of influence, but I do not see why we should do it for this group and not do it for others.

Maybe some people think we should do this for everybody. Maybe that is the objective. I do not know. But I do not think it is affordable when I start looking at the costs.

The Senator from Minnesota was very generous to say the cost of COBRA is typically about $700. That is for a family plan. Then you multiply it by 12, and that is $8,400. Seventy percent of that is about $6,000; $6,000 per year for which Uncle Sam is going to be writing a check. That is a lot.

The reason I was trying to compute this was, well, $125,000, and it is going to cost $179 million. Trying to figure that out, it is a lot less than that. The difference is, three-fourths of these people are already on Medicare. They already have health care. They happen to have the same health care my mother has, but my mother is going to be paying taxes so some individuals can get their Medicare supplement? I do not know that that is right.

I do not know why the worker in Wal-Mart, who may not even have health care, has to pay taxes so somebody else can get not only Medicare but a Medicare supplement. This is pretty much a stretch.

There are 40 million Americans who do not have health care insurance. They have health care, possibly through the emergency room or something, but a lot of them pay taxes. They may not be able to afford their own health care, but we are going to increase their taxes or make them go into debt so they can provide health care for somebody else who already has health care, who is already paying a lot because they get Medicare.

Medicare is not a perfect system. I think it needs to be reformed. It needs to be fixed. It needs to include prescription drugs, and we ought to be doing that this year. We ought to be working in a bipartisan way to make it happen. To say we are going to be increasing taxes or debt on the rest of America so one group can have their Medicare supplement or people in their thirties or forties can get health care for a year—and we all know the original proposal was 2 years. I also happen to believe that some people are going to try to extend this year after year, after year, after year. If they get it for 1 year, they will be fighting to get it extended for the next year. I am just guessing that might happen.

I am going to work very hard to see that this bill does not happen, so we will not get started down that slippery slope of ever increasing entitlements, ever increasing expansion of spending, ever increasing loading up the trade promotion authority with things that are not affordable, that frankly should not become law. My guess is that if this amendment is adopted, we will not have trade promotion authority passed this Congress.

Maybe that is the sponsor's objective. Maybe not. I do not know. But some people are trying to kill trade promotion authority. They are trying to load it up with too much. This amendment is too much, and I urge my colleagues to oppose this amendment when we vote on it next Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I do not know if the other side has had an opportunity to speak. I know they have had an exchange of questions. I need 3 or 4 minutes, if I may, and I will use my leader time for that purpose.

I enjoyed Senator NICKLES' remarks, and I associate myself with them. I agree with him, and I certainly hope we can prevail in not adding this amendment to this legislation. It would be a further blow to the legislation that has certain problems now. We need to get the trade legislation done and not further encumber it with other issues such as this one. One can argue about the steel legacy costs one way or the other, and I am sure we could get a pretty good debate here. I personally think we should not go down that trail, certainly not on this legislation.

QUIETING TERRORISM RHETORIC

Mr. LOTT. Mr. President, I did not intend to use my leader time for any purpose today other than to honor a true American hero: Ronald Reagan. We just had a fantastic ceremony in the Rotunda of the Capitol presenting Mrs. Reagan the Congressional Gold Medal for President Reagan and for Nancy Reagan. It was a beautiful ceremony attended by Republicans and Democrats. I think we all agree that he was an unusual President and a great President. He did make us proud again. Democrats were there, and they said, while we may not agree with him philosophically, we agree that he did a great number of good things during his time as President, and I am glad we honored him and Mrs. Reagan this afternoon.

President Reagan lifted our country when we had a lot of despair, morale was low, and freedom was kind of under attack. He banished that. He rose above it. He made us proud again, and he led the way in getting rid of the ''blame America first'' crowd. He said: That is poisoning the American spirit; let's not do that.

Much to my outrage today, I have heard a chorus reminding me of that ''blame America first'' that I thought President Reagan had helped us put on the ash heap of history and get rid of once and for all. I think there is nothing more despicable—and that is a tame word compared to what I really feel—in American politics than for someone to insinuate the President of the United States knew that an attack on our country was imminent and did nothing to stop it.

Now, there is a lot of revisionist history, people insinuating that President Roosevelt knew about Pearl Harbor. I do not know all the facts of what went on then, but I do not believe that. I would never believe that. I have to say, does anybody really think that this President, or any President of either party, at any time, would know that we were going to be attacked and not take necessary actions to try to deal with it? I do not believe the American people really think that. I know it is not accurate.

The President, Members of Congress, the Intelligence Committee, leadership, we get threat assessments daily. They come in every day, and they get to be pretty depressing if you get to reading them. When getting the briefings every day, you have to assess them: Are they serious, not serious? Should we take actions? Do we put out a notice? What do we do with them?

I get nervous that we put too much in the press. We tell the terrorists, who

may not have an idea of where we are vulnerable: Oh, by the way, why don't you try this?

Why don't you come after our ports? I worry a tramp steamer will come into the Port of Baltimore loaded with explosives and blow half of Baltimore away. I worry about my hometown. These are serious threats. We have a lot of work to do.

I have an expectation that we need to ask our law enforcement agencies—the INS, the Customs Service, the FBI, the CIA—how did this happen? Why didn't we know more? Should we have gone to a higher alert? CIA, were you talking to the FBI? We found out we had laws that made it hard for that to happen. We have taken action to make sure they hand off and communicate and use each other's resources.

I have no doubt in my mind the FBI needs a lot of reform. I don't think they are up to date with technology and other problems. But Director Mueller is trying to correct that. Maybe they knew something in Phoenix they didn't know in Washington. Is there a way to integrate everything?

A couple of days ago, the Director said we will have a superoffice to bring in this information and make sure we look at it all and see if there is a pattern.

I think we should ask questions. We have an Intelligence Committee, House and Senate, meeting; Senator GRAHAM, Senator SHELBY, and the House side will get into this. By the way, I think the FBI and CIA should not delay turning over information. They should cooperate. It should not be about blaming someone.

We could say it goes back to the Church Commission in the 1970s. That is when we did damage to the intelligence communities. Or it was during the Clinton administration. The important thing is not how we get there, but what we are going to do. What are we doing about it today? What actions do we take to make sure the intelligence information is properly accumulated and evaluated and we can take action?

Someone deserves a medal for the fact we have not been hit again since September 11. I have been worried thinking something was going to happen. Why hasn't it happened? Because the INS and the Justice Department, the FBI, picked up people. They have taken certain threats seriously. They picked up mules delivering information. Probably there are commendations in order for the last 6 months, but I am worried about what will happen next. It could happen tomorrow. Then we will say it was the Bush administration, when we need to put more resources into it. We need to help our first responders.

The Intelligence Committee voted to add $1 billion to the intelligence funding. We are still exposed. When we have terrorists, suicide bombers as in Israel, willing to blow themselves up to kill innocent men, women, and children, it is hard to prevent it. When we hear the noise and daily threat assessments, it is worse, and we do not know which should be taken seriously.

To talk as if our enemy is George W. Bush instead of Osama bin Laden is not right. We get partisan and political sometimes around here talking about a delayed bill or stimulus bill, but in the fight against terrorism we have risen above that, for the most part.

Congressman GEPHARDT said yesterday, this has to be bipartisan, nonpartisan. I am disturbed by this attack today that I think is uncalled for. It is very malicious in its sound. I hope we will stop that. Let's not go down that course. Let's keep the pattern of working together. Let's not start impugning the motives of the President of the United States.

Was there anyone here that did not realize we were threatened a year ago by the possibility of an airliner being taken hostage? Hijacked? Who among us thought they might actually use it as a missile to fly into a building? I got a lot of briefings. Is it my fault? Should I have known more? We should knock down the rhetoric. Yes, it is a political season, an election year. But this is serious. We should not be doing this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3433

Mr. WELLSTONE. I will not take more than about 10 minutes. I said to my colleague from Oklahoma as he left, I wanted to respond to his comments. There will be more time for discussion later. What is at issue, the Senator from Oklahoma does not agree with the heart of the trade adjustment assistance package, and he has been clear about this. He does not like the fact that with the trade adjustment assistance we are now going to help people who are out of work, cover health care costs.

People were saying: We are out of work. The COBRA monthly payments could be $700, maybe $900 a month, and they cannot afford it, they are out of work.

I heard the Republican whip say this was like the road to socialism. The ideological objection is in the trade adjustment package we are actually going to provide some help for people to be able to afford health care costs. That is a good part of his indignation. He goes on to say we are extending it to steelworkers.

That is true. We are talking about people who have bled for an industry and have been abandoned by trade policies for the last 30 years, including the taconite workers on the Iron Range.

This small, modest amendment says, for 1 year, let's include these retired workers, whose companies, such as LTV, have declared bankruptcy as a result of Government abandonment and neglect, and who are now under very hard times through no fault of their own. We should at least for 1 year pick up the health care benefits of the retirees because the companies have walked away.

There is a window, all together, 4 years to pick up, if other companies go under; a 1-year bridge for people who are terrified they now are going to incur all the health care costs that they never dreamed they would ever be faced with as they planned the later years of their life.

My colleague has trouble with the numbers. Last week, the administration came out and said it would be $800 million in 1 year, and now we have, from the Joint Tax Committee, $180 million over 10 years.

My colleague from Oklahoma says: Why should we be spending this kind of money? We are helping people. This is the road to socialism. We are helping people. If we help these people, there might be other help for other people on health care benefits.

Maybe someday we will have universal health care coverage, health security for all. Most citizens in the country want that.

I say one thing to the Senator from Oklahoma—and I am sure we will pick up on this debate tomorrow—any day of the year I will stake my political reputation, being a Senator from Minnesota on $180 million over 10 years to help steelworker retirees, people who have given a lot of blood, sweat, and tears to our country over $108 billion—I didn't say $180 million—$108 billion to do away with the estate tax, with the vast majority of the dollars going to millionaires.

Those are the priorities we have here. I hear my colleague say: By gosh, we don't have the money. We are running into budget problems and the question of the deficit. Vote for tax cuts; Robin Hood in reverse; 40, 50 percent to the top 1 percent, and then eliminate the alternative minimum tax; more loopholes for multinationals. On the House side, do an energy bill of $32 billion; about two-thirds of the benefits going to energy companies, oil companies, that made $40 billion in profits; then talk about completely doing away with the estate tax. Give it all away. Then bleed the economy further of another $400, $500 or $600 billion over the second 10 years and then say: We don't have the money. We can't possibly help people who are out of work. We can't help the retired taconite workers. We can't help people who do not have any health care coverage. We can't help senior citizens on prescription drug benefits.

I heard my colleague say we should do that together. Yes, we should. But you watch and see what it is going to be. What I hear so far coming from Republicans is: We will help only those who are low income; we will not help the other 75 percent of senior citizens; and/or: The premiums will be too high, or the copays will be too high, or the deductibles will be too high, or it will

not be catastrophic coverage. And they will say we cannot afford to do it and we cannot afford to provide help for education for our schools, for our kids in Minnesota or anywhere in the country. Each time, it is the same argument: We do not have the money.

Here is what is going on tonight. You basically do tax cuts so you don't have the resources, and then you come out and say we don't have any money. Then you come out and say you are opposed to this because it is the road to socialism because you don't like the trade adjustment assistance package because it provides some help for people who are out of work so they can afford health care coverage.

The most terrifying thing for people when they are out of work, next to losing the job, is they know, depending on their seniority, in 6 months or a year they are not going to have any health care coverage. That is one of the best things to this bill. We come up with a small amendment saying we represent steelworkers, taconite workers, and we have this crisis, and we have this industry that has been torn asunder as a result of horrible, horrendous trade policies.

People who bled for the industry, bled for the country, worked hard all their lives, now are terrified. They never thought these companies would declare bankruptcy and walk away from them. Can't we provide them with some help for 1 year?

You would think, from listening to my colleague from Oklahoma, this is just about the most irresponsible, horrible thing that could ever be done on the floor of the Senate. I disagree. I think it is a good thing to help hard-working people. I think it is a good thing to help families. I think it is a good thing to help retirees who now no longer have their health care benefits because the steel companies, the LTVs of this world, have declared bankruptcy and have walked away from them.

I think it is a good thing to have trade adjustment assistance. I think it is a good thing that it is more generous. I think it is a good thing to help people who are flat on their backs through no fault of their own, not because they are slackers or lazy or don't want to work—just the opposite. I think it is a really good thing. I think this should be what our priorities are about. I think it is all about values. I think it is all about helping people.

So I beg to disagree with the Senator from Oklahoma. He has a passion for his point of view. I have passion for my point of view. He argues his case well. I give him full credit. I think it is important that people do that. But any day of the year—any day of the year—I would rather be out here for taconite workers on the Iron Range, as would the Presiding Officer, Senator DAYTON. Any day in the year, I would rather be out here talking about health care benefits and prescription drug benefits, affordable housing, education—and, yes, we have a difference of opinion.

I am sorry my colleague from Oklahoma is not here right now. We will debate it more. I will never say this in a shrill way. I think my colleague from Oklahoma—listening to what he said—states his ideological position. And I don't mean that in a bad way. That is to say he has a set of beliefs which basically say that when it comes to many pressing issues of people's lives, there is not much that government can or should do. I think that is what his position is.

That is not my position. I think this philosophy when it comes to the most pressing issues of people's lives—and we are talking about a very pressing issue for retired taconite workers on the Iron Range, and for retired steelworkers, that there is nothing the Government can or should do—I think it works well when you own your own large corporation and when you are wealthy, but it does not work well for the majority of people in the country.

So I think it is a very good thing we are doing here. I hope we will get support against what is an effort to filibuster this amendment.

Again, I finish tonight because we are going to debate on another bill and this amendment will be out here until Tuesday. Frankly, steelworkers, I will tell you what. Union people, workers, other neighbors, families, hard-working people, people who believe that something ought to be done to help people who are really hurting right now, you are going to need to be in touch with Senators because right now we have a majority of votes but they are filibustering this amendment. They do not want this amendment to pass. I think in the next several days there will be a very important debate, and I hope we will have strong support from our colleagues.

I am delighted there are Republican Senators who are supporting this amendment. Frankly, I think—I hope and pray—almost every single Democratic is supporting this amendment. I think it is very consistent with what Democrats believe.

Maybe that is what this debate is about. Maybe it is just a good, honest difference of opinion between Democrats and Republicans. We believe there is a role for government to provide help for people. We believe it is a good thing to do. Government can play a positive role.

This is 1 year, and, God knows, Senator MIKULSKI was saying we have an identification and connection to people here and we are not going to let up on it.

So I have spoken my piece in response to what the Senator from Oklahoma said. I know there will be more debate and discussion. I know there are Republicans who support this amendment. We are dealing with a filibuster in an effort to block this. We have a majority vote, Senator MIKULSKI, I believe, but now we have to continue to work hard, and I think working families all across the country are going to have to be heard from over the next several days. I believe that will help.

I yield the floor.

Ms. MIKULSKI. Mr. President, before he leaves the floor, I congratulate the Senator from Minnesota. I thank him for his passion. I thank him for his persistence. I thank him for his eloquence on this issue and others on behalf of people from his own State and all over our country who feel pretty powerless. They feel powerless because of forces outside of their control, such as unfair trade practices. We thank you for speaking up about this. I look forward to our continued debate.

Mr. WELLSTONE. Mr. President, I thank the Senator from Maryland and tell her there is nothing I am more proud of than to be on the floor doing this amendment with the Senator from Maryland and Senator ROCKEFELLER and Senator STABENOW and the Presiding Officer, Senator DAYTON, Senator SPECTER, and others.

Ms. MIKULSKI. We know there is an important debate on NATO, so we are not going to continue this discussion until later on, over the weekend.

Mr. REID. Will the Senator yield?

Ms. MIKULSKI. Yes.

Mr. REID. I wanted to get your attention and that of the Senator from Minnesota before he leaves. I have watched this debate all day. Of course, I have listened to these Senators many times off the floor, both of them, as it relates to steelworkers. I would say the same thing on behalf of Senator ROCKEFELLER.

We do not make steel in Nevada. We have some retired steelworkers in Nevada who have conversed with me, and this issue is important to them. But I want everyone within the sound of my voice to understand how the people of Maryland, West Virginia, and Minnesota should feel about the advocacy of these three Senators on this issue.

I haven't been in Congress as long as the Senator from Maryland, but I have been in Congress a long time. I have not seen the passion on an issue, that I can recall, that I have seen on this issue with these Senators. If these three Senators are not true believers on this issue, they do not exist on any issue in the world.

I cannot say enough: I support what you want 105 percent. You have made a case so clear that I cannot imagine that people would in any way want to stop these steelworkers from getting what they are entitled to—what I believe they are entitled to. They went to work for these companies in good faith. I think they should get what they deserve.

I just didn't want these two Senators to leave—I am sorry Senator ROCKEFELLER is not here—without speaking for virtually every Democratic Senator and a few Republican Senators who are supporting us on this issue: I think it is too bad there is a filibuster.

I think it is too bad. I hear all the time—I spend a lot of time on this floor—''give us an up-or-down vote.''

That is what we want, an up-or-down vote. That is what we want on this issue.

Let's come out here. They are always saying: Let us have a vote. I want to have a vote on this. I would like to test this to see how many votes we can get. I think it is too bad we are going to be forced to try to get 60 votes. And I think, for the work that has been done on this issue, it is too bad.

But I hope with the time that goes by, that by next week people in these States will rise up and say: You better vote for this. I am not counting out, by one second, the fact that we can't get 60 votes. I think we can.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Nevada for not only his kind but encouraging words. You see, I agree with him.

The PRESIDING OFFICER. The Senator will please suspend.

Anyone else who wants to have a conversation, leave the floor. The Senator from Maryland has the floor.

The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

Again, I know Senator BIDEN is bringing a very important NATO debate here, and I do not want to delay it.

What concerns me about our amendment is that we are not going to get an up-and-down vote. It is going to be hidden behind parliamentary procedures. We thank Senator NICKLES for coming and at least engaging in an honest set of questions with us. They were questions worthy of debate: How much does it cost? Is a 35-year-old eligible? All those questions.

But to have an empty Chamber, to threaten a filibuster, and not even come here and talk, and then, again, hide behind a filibuster, where we have to get cloture, and go through so many hoops, I think the discussion of trade is important, I think our amendment is a critical one, but let's have it, and get rid of all this hiding behind parliamentary maneuvers that require 60 votes.

So we really ask our colleagues who agree with us to come to the floor. And for those who don't, let's just have it out. We respect them. We respect their opinions. We think ours are the best. We hope we prevail. We think the Senate way, the American way is, let's just come and let the majority prevail and not need a supermajority to overcome a parliamentary obstacle. Let's have a majority vote on a policy issue.

I thank the Chair and look forward to continuing this conversation later on.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank both Senators.

I say to the majority whip, Senator REID, that the thing I like best about his comments—and I appreciated them all—is that I, too, think we can get to 60. That is now what we have to do because there is an effort to filibuster this bill. But we are going to do everything we can.

There are a lot of working families who are going to be heard from over the next several days. And that is what we are going to do. I appreciate so much what he said. We have the majority.

Now we have to deal with an effort to block this with a filibuster. There will be more debate and more discussion. Believe me, this is going to go on for some time.

I know we are going to move on to other important legislation for tonight.

Mr. President, I yield the floor.

COMMENDING THE PRESIDING OFFICER

Mr. REID. I would just comment, I appreciate very much your presiding. You have done such a great job upon coming to the Senate and presiding. You make sure that the Senate has the dignity that it is supposed to have. And I know you were taught by Senator BYRD. And he is the best teacher we have for Senate procedures.

I personally appreciate your action taken just a few minutes ago. And everyone should understand, the Senator from Minnesota is bipartisan in keeping this place quiet. Whether it is a Democratic Senator or a Republican Senator, Republican staff member or Democratic staff member, you treat them equally. I appreciate that very much. And I speak for all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, now that the debate has concluded—and under the previous order, it indicates that when the last vote occurred, we would move to the NATO matter—I ask the Chair to call it up.

GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Calendar No. 282, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call that I will suggest in just a moment not be charged against the bill. There is 2½ hours. It is not to be charged.

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

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, may I ask what the business before the Senate is?

The PRESIDING OFFICER. It is H.R. 3167.

Mr. BIDEN. Mr. President, I rise today to support H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001. This bill adds Slovakia to the countries eligible to receive assistance under the NATO Participation Act of 1994 and authorizes a total of $55.5 million in foreign military financing under the Arms Export Control Act to seven countries—Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania.

This bill is a symbolic one. It authorizes funds that have already been appropriated, repackages them in order to highlight the ongoing process of NATO enlargement. Symbolism, however, in this case matters. Millions of central Europeans and east Europeans, and millions of Americans of central and eastern European descent, will welcome this restatement of NATO's so-called open-door policy—the policy of the Clinton administration and which had been continued by the current Bush administration.

At the end of March, Prime Ministers and Presidents of all the NATO candidate countries, plus several leaders from current alliance members, met in Bucharest, Romania, to discuss the next round of NATO enlargement. Deputy Secretary of State Armitage led a high-level U.S. delegation to the meeting, which was characterized by a spirit of cooperation among the aspirant countries, many of which had been ancient rivals, which itself validated the process of enlargement, in my view.

Parenthetically—I note that I have said before—even if the expansion of NATO in the last round did not materially impact upon the capacity of NATO and security of Europe, it did one incredibly important thing: Each of the aspirant countries, in order to be admitted to NATO, had to settle serious border disputes that existed; had to make sure their militaries were under civilian control; had to make sure they dealt with, in some cases, decades-old open sores within their society in order to demonstrate that they were part of the values, as well as the capacity, of NATO; that they shared the values of the West.

I would argue that much of this would not have happened were it not for the aspirant countries seeking so desperately to become part of NATO. I think that, in and of itself, would be rationale enough to move. Much more than that has occurred.

Four years ago, I had the honor of floor managing the resolution of ratification of an amendment to the Washington Treaty of 1949 whereby Poland, Hungary, and the Czech Republic were admitted to membership in NATO. On the night of April 30, 1998, in a dramatic rollcall vote in this Chamber,

the resolution passed by a vote of 80 to 19.

In November of this year, there will be an important NATO summit meeting in the ancient Czech capital of Prague. Several fundamental issues will be on the agenda in Prague, among them charting a new course for the alliance in the aftermath of September 11 and the antiterrorist campaign in Afghanistan, a qualitatively new relationship between NATO and Russia and a new round of enlargement of NATO.

Last spring, NATO publicly declared that there would be no ''zero option'' for enlargement at Prague. Translated from diplo-speak, this means the alliance anticipates there will be at least one candidate country qualified for membership at Prague, and that country, and probably others, will be extended an invitation to join NATO.

I have stated many times, including in the last round, that Slovenia has been qualified for NATO membership for several years and should have been invited to join the alliance as early as at the 1997 Madrid summit or at least at the 1999 Washington summit.

My strong suspicion is that several other countries will be judged qualified for membership as well, but naming names at this time I think would be premature. Later this year, the alliance will evaluate how well each candidate country has fulfilled its so-called membership action plan and, equally important, will judge the strength of its democratic institutions and society. By late summer, the list of qualified aspirant countries should become much clearer than it is today.

Meanwhile, this legislation wisely authorizes military assistance to all seven of the candidate countries generally judged to be in the running at this time and thereby sidesteps the pitfall of prematurely designating those to be invited.

It seems to me this is not the time for lengthy debate on the merits of the next round of NATO enlargement. There will be ample opportunity for a thorough debate after candidates have been invited and their credentials submitted for ratification to the parliaments of the current 19 members of the alliance, including us.

The rationale for enlargement, in my view, remains as valid as it was 4 years ago when this body overwhelmingly ratified the entry of Poland, Hungary, and the Czech Republic. NATO enlargement significantly furthers the process of moving the zone of stability eastward in Europe, thereby hastening the day when the continent will be truly whole and free.

The three new members of NATO have made major contributions to the alliance campaigns in Bosnia and Kosovo and lately in the war against terrorism. Contrary to occasional sensational articles in the press, they are loyal, democratic allies contributing to the security of the North Atlantic area.

Finally, NATO enlargement, contrary to the gloomy predictions of some pundits and some Members of this body, has not worsened our ties with Russia.

A man I admire as much as any and with whom I served in the Senate, the distinguished former Senator from the State of New York, Patrick Moynihan—I hardly disagree with him on foreign policy. The one time we had a serious discussion and debate was on this issue. He was opposed to NATO enlargement. The basis for his rationale for being opposed to enlargement was that this would significantly damage bilateral relations with Russia at the time we needed to nurture that relationship.

I argue—not that I was right—that the end result in 2002, after enlargement—I am not saying because of enlargement—the relationship between the United States and Russia is better than it was before enlargement, and it is as good as it has been since the last czar was in control in Russia. We have a leader in Russia now, who, for his own reasons—and I am not offering him as a Jeffersonian Democrat—is leading his nation to an open democracy. I suggest that not since Peter the Great has any Russian leader looked as far west as this man has and cast his lot with the West as much as he has.

The predictions of doom and gloom relative to the relationship, for whatever reasons, have not turned out to be true. On the contrary, earlier this week, on May 14 at the NATO ministerial meeting in Reykjavik, Iceland, the alliance and Russia put their relationship on an unprecedented cooperative basis for creating a new NATO-Russia Council to deal with a variety of security issues.

The Bush administration strongly supports this Freedom Consolidation Act. In a joint letter to me on May 7, Secretary of State Powell and Secretary of Defense Rumsfeld wrote that the bill would ''reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe . . . [and] would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.''

Mr. President, I have no doubt that sometime next year this body will ratify the further enlargement of NATO by an overwhelming vote. For now, I urge my colleagues to join me in voting for the Freedom Consolidation Act as a symbolic gesture to support this so-called open-door policy that has served the alliance and this country so well.

As I said, there will be time for us to debate whether or not the aspirant countries that are picked in Prague should or should not be the ones that are picked. I am sure we will have some disagreement in this Chamber about that. This is not to pick winners and losers. This is picking the aspirant countries that are known to everyone to have the most reasonable prospect of being issued an invitation to better situate themselves in meeting the criteria to be offered that membership.

I look forward to discussion on this issue. I do not know there is all that much to discuss right now, but I look forward to discussion of this issue and to being in the Chamber with my two friends who are here to hopefully usher in a new round of members in the NATO enlargement scheme that will take place later in the year.

I yield the floor.

The PRESIDING OFFICER. Senator WARNER is recognized.

Mr. WARNER. Mr. President, I have under my control as one in opposition to this measure how much time?

The PRESIDING OFFICER. The Senator has 90 minutes.

Mr. WARNER. And my colleagues have an equal amount, I presume.

The PRESIDING OFFICER. They began with 60 minutes.

Mr. BIDEN. If the Senator will yield, how much time does the Senator from Delaware have under his control?

The PRESIDING OFFICER. The Senator from Delaware has 49 minutes remaining.

Mr. BIDEN. If the Senator will continue to yield for just a moment, unless responding to questions, I do not plan on taking any more time. I am happy to yield the remainder of the time to Senator LUGAR and other Senators. I am told Senator DURBIN and others may want to speak.

For the information of my colleagues, I do not plan, other than responding to questions if my good friend from Virginia has any, on using any more time. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I have notified several colleagues who have expressed an interest in utilizing some of the time in opposition. I wish to enter into a colloquy. I must say, in my years in the Senate, I do not know of anyone I enjoy having a colloquy with more than my great friend from Delaware. I hope he does not disappoint us tonight, but just a little rise in temperature at some point as we go along.

Mr. BIDEN. Mr. President, I am sure my temperature will not rise as long as my good friend from Virginia continues to be the gentleman he always is.

Mr. WARNER. I thank my colleague. I see my other dear friend from Indiana. There is no one in this Senate whom I admire more than my dear friend. I regret we have some differences on this issue.

First, I ask unanimous consent to print in this RECORD a letter addressed to me from Secretary of State Colin L. Powell, jointly signed by Secretary of Defense Donald H. Rumsfeld, in which they support, on behalf of the President, the measure before the Senate.

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

MAY 7, 2002.

Hon. JOHN W. WARNER,
Committee on Armed Services,
U.S. Senate.

DEAR SENATOR WARNER: The Administration strongly supports. S. 1572, the Freedom Consolidation Act. This bill, which reinforces the efforts of European democracies preparing themselves for the responsibilities of NATO membership, will enhance U.S. national security and advance vital American interests in a strengthened and enlarged Alliance.

Speaking in Warsaw last June, President Bush said that ''Yalta did not ratify a natural divide, it divided a living civilization.'' From the day the Iron Curtain descended across Europe, our consistent bipartisan committee has been to overcome this division and build a Europe whole, free, and at peace. The 1997 Alliance decision to admit Poland, Hungary, and the Czech Republic brought us a step closer to this vision.

Later this year at NATO's Summit in Prague, we will have an opportunity to take a further historic step: to welcome those of Europe's democracies, that are ready and able to contribute to Euro-Atlantic security, into the strongest Alliance the world has known. As the President said in Warsaw, ''As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

We believe that this bill, which builds on previous Congressional acts supportive of enlargement, would reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.

We hope we can count on your support for this bill, and look forward to working closely with you in the months ahead as we prepare to make historic decisions at Prague.

Sincerely,

DONALD H. RUMSFELD,
Secretary of Defense.
COLIN L. POWELL,
Secretary of State.

Mr. WARNER. Mr. President, if I can get my colleague's attention, this debate we are having tonight arose because last fall in December, as our Chamber was quite properly moving towards closing down—the Christmas season was upon us—I discovered we were about to authorize $55.5 million to seven nations without a moment's debate.

The time was not there to have that debate. So I objected.

I do not object to the money proceeding to these seven nations. I have supported it in years before. I support the flow of money. My concern, I say to my colleague from Delaware, is the rhetoric in which that money is wrapped in this resolution.

Mr. BIDEN. Excuse me?

Mr. WARNER. The rhetoric, the verbiage, that is in the House measure. We are about to adopt the House measure, if my understanding is correct.

Mr. BIDEN. Mr. President, I believe that is correct.

Mr. WARNER. It is in honor of a very valued former colleague of the Congress whom I respect. All of that to one side, I believe the rhetoric as written and as framed could send the wrong message. That is the sole reason I am here tonight, because if we were to separate the money from the rhetoric, or portions of the rhetoric—and this, of course, is not open to amendment—I would be voting with the Senator. So it is the verbiage that surrounds this.

I will ask my friend from Delaware a question or two. I am not entirely sure, procedurally, what it is we are going to achieve by this vote because the money has already been appropriated. Even though the Senator from Virginia stopped the authorization, as we know that does not necessarily stop the appropriators. I share a good laugh with my colleague because they are a law unto themselves.

This magnificent Senate is predicated on the rules that we have the authorizing committee, of which my colleague from Delaware is the chairman—I am the ranking on the Armed Services Committee—and we authorize. The appropriators then agree or disagree with regard to the amounts of money, but in this case, as they have done in others, they went ahead and appropriated the funds. So in a sense, we are talking about a hollow victory tonight, but I direct my attention, once again, to the rhetoric.

My friend from Delaware said the open-door policy, but I go to the letter from the Secretaries of State and Defense which says the following:

> Later this year at the NATO summit in Prague we will have an opportunity to take a further historic step to welcome those of Europe's democracies that are ready and able to contribute to Euro-Atlantic security into the strongest alliance the world has ever known.

I agree with that. I am not opposed to any further enlargement, but I do not subscribe to this concept of open door. I say to the distinguished chairman, at what point does the Senate have the opportunity to make an assessment as to what each of these countries bring, so to speak, to the table? How well prepared are they?

What we are doing is saying to the American taxpayer, and we are saying to the men and women of the Armed Forces of the United States, an attack against one is an attack against all. Such new members as we may admit, what do they bring to the table to participate in, first, deterring an attack, and then, if necessary, repelling that attack? Do they bring sufficient to hold their own, or is there going to be an increased dependency, I say to my two good friends, on the American military?

In Kosovo, over 70 percent of the airlift was U.S. Approximately 50 percent of the combat missions in bringing ordnance from air to ground were U.S. Now, that is disproportionate. At another time—I am not going to belabor this tonight, but if one looks at the NATO budgets, they are not all increasing, as our President is increasing, by 44-plus billion dollars, a bill for the American taxpayers, our budget, to strengthen our military.

I say to my colleagues, they cannot point out one single NATO country that proportionately is increasing their military budget as great as ours. So my question to my friend—he used the phrase ''open-door policy,'' but I presume he subscribes to what is in the Secretary's letter; namely, ''that are ready and able to contribute to security.'' Am I correct in that analysis?

Mr. BIDEN. If the Senator will yield for me to answer, the answer is: The Senator is correct in his analysis as it relates to what the Secretary said.

Let me speak to the first question, as I understood the specific question: When will the Senate get an opportunity to ascertain whether or not the countries chosen to be invited to become members of NATO are worthy of invitation and membership, and to answer indirectly the question, able to contribute to our mutual security?

The answer is: We will do that at the time of the ratification debate. In the meantime, as my friend pointed out, the money has already been appropriated. The money is already going to these aspirant countries. I think it should have gone by the authorization process, and then the appropriations process. That is why I was smiling.

We share a similar fate in armed services and foreign relations, more in foreign relations, quite frankly, than armed services, where the appropriators move in the absence of our moving.

Let me be more specific. I argue that, even if not a single state that was, in fact, the recipient of any of this money, was invited to join NATO, it is in our interest that the money goes because the money is going for those aspirant countries to meet criteria we have set out, that we believe to be in the U.S. interest. It is in the U.S. interest that every one of the militaries in aspirant countries is under civilian control. It is in the U.S. interest that they have participatory democracies. It is in the U.S. interest they have no border disputes with their neighbors. It is also in the European interest.

So even if not a single aspirant country meets the criteria that must be met, as cited by the Senator from Virginia quoting the Secretary of Defense, it is money well spent.

The second reason we are doing this now is that it is important, in my view, to continue to display to these European aspirants that we are serious about considering them. What I do not want to see happen is us saying, well, we know only one of you are going to get in, and the other six say, well, what am I doing this for? Why am I making this effort? Why am I engaged in this? I want them to know we are serious about this. So even though the money is going forward, you say, well, they already know we are serious. We have already sent the money. It is being spent; it is being used. This authorization—which is putting, as my grandpop used to say, the sleigh before the horse—demonstrates to these folks that, if and

when the President of the United States and NATO pick aspirants to join and the President sends the treaty up for amendment to the Senate, we are serious about it as well.

This is not a game. This is not a game in our separation of powers—most countries do not have the same system as we have. We confuse people a little bit because they have a parliamentary system. We have an executive branch and a legislative branch and never the twain shall meet, and constitutionally you have to get both of our approval. Notwithstanding the fact that the President may say we want to see Slovakia or Slovenia or whomever to join NATO, that is not good enough. It has to have a supermajority of the Senate saying yes as well. This legislation is an authorization after the fact.

I promise there is not a single solitary ambassador representing any one of the countries who does not have C–SPAN on now listening to us. They know it doesn't mean much now. This is not going to resolve anything tonight, tomorrow, or next month, until the meeting in Prague, and it may not resolve anything then.

This is to send the signal that we are serious, we mean it. You go out and do the things that are necessary to meet the criteria set out by the President, and the additional requirements, and we will seriously consider you. We are in the game with the President.

The third point is the issue of whether or not these aspirant countries, if invited by 19 members of NATO to become a member of NATO, the question is, will they contribute to the security of the United States of America? Or will they be, as my friend implies or states—I don't want to put words in his mouth—a drag on our military?

He cites Kosovo. It is true what my friend cites about the percentage of the airlift, the percentage of the air missions, the percentage of the munitions used, et cetera. But I also point out only 10 percent of those forces that remain in Kosovo are American forces. Mr. President, 85 percent are European and other willing nations there, keeping the peace. And I might add that if we do something too well, it is taken for granted and we forget what we did in the first place.

I remind my friend that before we got into Kosovo, before we went to Bosnia, there were over a quarter million people killed, women and children. There were close to half a million people in the hills, freezing in the middle of the winter and we worried about them freezing. Every European capital was on edge worrying about immigration flows. It started this xenophobia about minority portions of the populations of Germany, France, and other countries.

It is in our interest that there be a stable Europe. It is in our interest that a LePen is not getting 50 percent of the vote instead of 15 percent of the vote. It is in our interest that the skinheads in Germany do not become a morph of the neo-Nazi organizations that impact German policy. They have not. But I believe had another million people flowed out of the Balkans into those capitals, it would have further destabilized the political circumstance.

It is true that no nation, none of our NATO allies, have kept their commitment to expand their military capability as we have. None have. He is absolutely right. Where does our interest lie?

A number of our colleagues very much want to see us move into Iraq. It would be very useful if Bulgaria were part of NATO. We don't have to worry about overflight rights. They are part of NATO. We do not have to worry about a little thing like we worry about with our fickle Saudi friends as to whether they allow us to use an airbase we built for them and their protection. So I argue when we were trying to deal with this situation in Kosovo, Hungary became a valued ally.

The issue for me is not so much that I think any aspirant country is going to be able to be the one man for a U.S. Air Force stealth aircraft moving on a precision-guided mission against an enemy. That will not happen. If the measure is, can they keep up with our technological capability, the answer is that none of the countries will ever qualify. I might add that some of our greatest and oldest allies may not qualify.

Conversely, though, if the measure is, does their membership in NATO lend an additional capacity that impacts positively on U.S. interests, and they pay their way, then the answer to that question is, yes, they should be a part of NATO. That is a debate I am sure my friend and I will have when the President of the United States, if he does, comes back from Prague and says, I am sending up to Senator WARNER and company an amendment to the Washington treaty asking for the following—1, or 7, or whatever—nations to become part of NATO. He will because he is so diligent and so knowledgeable about the U.S. military and military matters. I know him too well. And he should do this. We are lucky to have someone who will have the ability to do this.

And then we will debate whether or not they warrant membership. What does Slovenia bring? What does so and so bring? That is the moment when that debate will take place.

I yield the floor.

Mr. WARNER. I say to my good friend, and then I hope our good colleague from Indiana will join, I can see that day. It will be beautifully embossed, a document on every desk. Do you think the Senate in that period of time, in that debate, will turn down one of those countries?

That is the flaw in this process which eventually I will point out in my direct statement. We are going to be handed a fait accompli. We will not have had the opportunity, unless your committee or mine—and I shall press in my committee—have some advance hearings on the likely nominee countries and using the criteria in the Secretary of State's letter ''ready and able to contribute to security.''

That is what we should be doing, not waiting until that resolution comes up. That is an obligation. We have so much invested in NATO. It is a treaty that has worked beyond expectation. I remember on the 50th anniversary engaging in that marvelous debate we had in the Senate, extolling the virtues of this treaty.

What I am trying to do is to preserve it so it remains strong and any nation that comes in is able, willing, and ready to pick up its share of the load and carry it and not be dependent, as we saw in Kosovo, upon the good old USA, its service persons, and its taxpayers.

Some Members around here with gray hair remember things. Do you remember the Libya operation? Did we get overflights of NATO countries in that operation? Go back and check it, Senator. Go back and check. NATO did not open its airspace for that operation. It was a vital operation at that time.

Do not say to this Chamber that by virtue of a nation joining NATO it will automatically open the skies, automatically open its borders. No, it will be the individual nations that make a decision. That Libya raid is the case in point.

I invite our colleagues, tell me, is it a fait accompli that we will be handed in November all the panoply, the ceremony, and this Chamber will get up and reject the Nation? I don't think it will happen that way.

Mr. BIDEN. Let me respond briefly and then yield to my friend from Indiana or whoever seeks the floor.

What I think we should be straight about here—I am not implying in any way the Senator from Virginia is not being straight—is that there is a growing school of thought that reflects the underlying view of my friend from Virginia—and, I might add, is made up of some of the most seasoned Members of the Senate, some of whom are World War II veterans, men who have been strongly supportive of NATO in the past and of our military—who basically do not think NATO is worth much anymore.

The fact of the matter is, the indictment that the Senator paints is equally applicable to Britain, Germany, Spain, Italy—every NATO nation. Not the new guys. It was the old guys who did not let us have the overflight, remember?

Mr. WARNER. Yes.

Mr. BIDEN. The new guys are so gung ho being part of NATO, they would probably decide to give each of us citizenship if we asked for it. I am not at all worried about the new guys. I am worried about the old guys.

We should have a debate someday on the floor, unrelated to expansion, about the utility of NATO because, in

truth, many in the Defense Department and many—some on this floor—think we are misallocating our resources to NATO, period; unrelated to Kosovo, unrelated to anything else.

So I call everyone's attention to the subtext in this debate that really doesn't relate to new members. It relates to whether NATO has outlived its usefulness and whether we should be spending billions of dollars on NATO without any new members. It is a legitimate debate. I think it is dead wrong, but I think it is a legitimate debate.

With regard to the issue of whether there is a fait accompli when an embossed document ends up on our desk, I might point out that my friend from Virginia had no difficulty with an embossed document that was the single most important treaty in the minds of our NATO allies—no difficulty rejecting it. It was called the Comprehensive Test Ban Treaty. It did not slow you up a beat.

Mr. WARNER. Not only didn't it slow me up, it was our committee, not your committee, that held the hearings that adduced the facts and brought them to the floor of the Senate which resulted in the rejection of that treaty. Our committee did that work.

Mr. BIDEN. That may be. We can argue about that.

Mr. WARNER. It is a fact.

Mr. BIDEN. I don't doubt that. You were wrong then, you are wrong now. But that is irrelevant.

The point is this. I was responding to a specific assertion. The Senator said: How will this body ever reject something that is put on our desk that is embossed, that has worldwide publicity, that the whole world is looking at, that all of our European friends are seeing? How could we ever reject anything like that?

I point out that we have done that. We have no problem rejecting things in this place that we don't think we should do. I might add that we had multiple hearings in my committee—I don't remember, but I suspect also in my friend's committee, the Armed Services Committee. We had more than a dozen hearings before we voted on expansion, on whether or not the aspirant countries were qualified.

Some of us, I think including the Senator from Virginia, traveled to the aspirant countries, sat down with their leadership, sat down with their chiefs of staff, sat down with their military and parliamentary leaders, and looked at their books—literally, not figuratively.

I know I spent, with my colleague Dr. Haltzel, about 7 days doing that in the aspirant countries: Hungary, Poland, Slovenia and the Czech Republic. I spent that time as my other colleagues did.

So I have no worry that we are going to have time. I am responding to the point made by the Senator, which is: Hey, look, this is a fait accompli. We are getting set up here. You guys passed this; you authorized this in addition to the money already going. What is going to happen here is we are going to come bouncing along and on December 9, or next January 14, or whatever date, we are going to have an embossed treaty, and it is going to be done, and there is not going to be any real debate, and it is going to be all over.

I would say the past is prologue. The Foreign Relations Committee published a 550-page report on the last round of NATO enlargement. It contained the transcript of the hearings, a lengthy report on the trip that I took to Russia, Poland, the Czech Republic, Hungary, Slovenia, and many other reports. I do not remember—I do not want to state something I am not certain of—but I think the Armed Services Committee had hearings as well.

So there is going to be no doubt there will be hearings. If the Senator, in Armed Services—if they want to hold hearings, I think that is a fine thing; no problem. I think it is premature now to hold those hearings. We had 7 days of debate on the floor the last time on NATO enlargement.

I understand the concern of the Senator that we are going to, in effect, be presented with a fait accompli. Maybe his real worry is it is a fait accompli because he is a Republican and a Republican President would be submitting this. But I tell you, we Democrats are going to have no problem. We didn't have any problem with the last guy who submitted it, and my Republican friends had no problem when the last guy submitted it, a Democrat. I think it is an unfounded worry. If I believed the Senator was correct and the Senate is going to be put in a position of rubber-stamping or walking away, I would say you are right, Senator. But I see nothing from the past NATO enlargement round we went through, and I do not anticipate anything in this round, that will preclude a thorough investigation giving all 100 Members of the Senate and the American public an opportunity to make their own judgments about it, whether or not to accept the President's recommendation.

When I say President's recommendation, if he doesn't sign on in Prague to the expansion, then there is no expansion. All 18 other nations can sign on, it doesn't matter. If he says no—no. Done. Finished. So that is what I mean when I say the President's recommendation.

I have no doubt we are going to have an opportunity to fully explore this. My guess is—I make a prediction, which is a dangerous thing to do. The bulk of the debate on this floor will be why wasn't so-and-so included, as opposed to why did you include such-and-such country.

But that remains to be seen. The bottom line is—and I will yield the floor to whomever seeks it—the bottom line is that we will have plenty of opportunity to debate whether or not the named countries—if there are any named countries, and there will be, I believe—whether they warrant the supermajority of the Senate to say: Yes, you are now a member of NATO because you met all the criteria and including the paragraph read from the Secretary of Defense's letter.

I further state that the criticisms we can debate in other contexts that the Senator from Virginia raises about NATO aspirants are equally applicable to the original NATO members—that is a different story.

I yield the floor.

Mr. WARNER. Mr. President, just a short comment and then I hope others will engage in the debate.

If the Senators from Delaware and Indiana would be willing to just strip out a lot of rhetoric which causes me a problem—because I think for those who do not follow the key debate that we are having, and this is a good debate—I would simply say I would voice vote the authorization for this money and let's get on with it. But just take out this rhetoric which gives rise to expectations in all of these countries. That is my concern. It gives rise to it. Implicitly it says, by the Senate voting on this tomorrow: Oh, the Senate has now said this rhetoric is correct, that all nations should be this, and all nations desiring it—I think it can be misconstrued and misinterpreted.

If you want the money, sever the rhetoric and I will voice vote it tonight.

Mr. BIDEN. Mr. President, we have the votes to win this anyway, notwithstanding the fact I truly appreciate the Senator's generous offer. I would be happy to try to accommodate him if I could. You cannot amend this.

Mr. WARNER. That is by unanimous consent. We could amend it tomorrow.

Mr. BIDEN. The idea of us getting unanimous consent—he can seek unanimous consent. I imagine there are enough people—I don't think that is possible.

The bottom line is I understand the Senator. I do not have the same concerns with any of the rhetoric. The rhetoric of George Bush:

> [a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

That is the most shining rhetoric in here. I am not prepared to support the withdrawal of the President's rhetoric from this legislation.

Mr. WARNER. Then I ask a question of my friend. I realize you have the votes. It is going to stay in, but at

least I make the gesture. But I say to my friend, other than the money, which I agree should flow, has flowed, been appropriated, to what does this bill commit the United States and the Congress?

Mr. BIDEN. Mr. President, it does not commit the United States and Congress to anything, except it communicates——

Mr. WARNER. That is an important statement, Mr. President.

Mr. BIDEN. It communicates to all of the European aspirants that if they meet the requirements in the eyes of the Senate, and if they are recommended by our President, we will seriously consider their admission to NATO. We, the U.S. Senate, if they meet what each of us individually thinks is the minimum criteria or the maximum criteria, we take it seriously. This is not just a gesture of sending you money to help you move toward democratization to modernize your military. We, like the President, mean it.

So if the Senator does not agree with—and I understand—the statement by President Bush, which I happen to agree with, which I fully respect, then he should not support this. I happen to agree with President Bush and the other, as the Senator says, ''rhetoric'' in this piece of legislation.

So all it commits the United States to is to say the same thing President Bush said: We believe that all of Europe should be open and free, and that we will consider NATO membership for all European democracies that seek it and are ready to seek the responsibility NATO brings. That is what it commits us to, and that is why I support this.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I say, then, Mr. President, the purpose for my initiating this debate has been accomplished. I respect my President. I largely agree with him. But you have now stated your views, and I hope my colleague from Indiana will join you.

Beyond the authorization of these funds, this document does not commit us—this Senate, this Congress—to anything beyond the authorization of specific amounts of dollars. It is simply a statement with regard to the future.

I also received the assurances from my colleague that this body, through its committee hearings, and otherwise, will eventually be able to look at each country individually and their criteria by which eventually they can be judged as to become members or not.

I thank my colleague from Delaware.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for the questions as well as the conclusions. I would simply succinctly join my colleague, the chairman of the Foreign Relations Committee, in saying that S. 1572, the legislation before us now, endorses the continued enlargement of the NATO alliance and assists potential members in meeting membership criteria. Very clearly, that leaves open the question of whether they meet the criteria, and who is selected, and when that occurs.

But the President of the United States, in his Warsaw speech, talked about enlargement. He talked about it, but he gave a grand vision. That was important.

Mr. President, before I commence my statement, I ask unanimous consent that Senator COCHRAN be added as a cosponsor of S. 1572.

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

The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise today in support of the Freedom Consolidation Act of 2001 because I believe this legislation makes important contributions to the future of European security and trans-Atlantic relations by endorsing the continued enlargement of the NATO alliance and assisting potential members in meeting membership criteria.

Last year, President George Bush delivered a visionary speech in Warsaw Poland on NATO's future. He noted that ''all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom.''

He went on to say that he believed ''. . . in NATO memberships for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings.'' And he concluded that ''we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

Some believe the United States-European relationship should be diminished. I can hardly imagine a more strategically shortsighted or dangerous policy shift by the United States or Europe. Such arguments ignore a basic fact: Europe and America are increasingly intertwined in security, economic, and cultural matters. The cold war may be over, but the security and welfare of America and Europe are closely linked. Our common goal must be to complete the building of a Europe whole and free in strong alliance with the United States of America. Now is not the time to discuss withdrawal. Now is the time to strengthen the NATO alliance. This legislation—the Freedom Consolidation Act—makes important and encouraging strides in that direction.

The last round of enlargement was a tremendous first step. The lines of Yalta have begun to recede. Central Europe is not only free but safe. And now, 10 years after the fall of the Berlin Wall, it is time to finish the job and make Europe whole and free. It is my belief that the continued enlargement of NATO is the best means to achieve this goal. President Bush has laid out such a vision and has committed the United States to its implementation.

I might add that a reason we are debating this issue at this late hour on a Thursday evening is that the President of the United States very much wants to have this legislation as he goes to a historic summit with President Putin of Russia and as he proceeds on to visits with European allies.

The President has not only given a visionary speech in Warsaw, he is about to embark upon an extraordinary trip on behalf of our security and our foreign policy. He has asked us to consider this legislation, and to pass it enthusiastically, to join our colleagues in the House in that endorsement.

Continued enlargement provides an opportunity for NATO to be proactive in shaping a stable security framework in Europe. Potential NATO membership has given countries the incentive to accelerate reforms, to peacefully settle disputes, and to increase cooperation. These hopes have been a tremendous driving force of democratization and peace. Those nations who have made the most progress should be rewarded with an invitation to join NATO. Such a move will ensure that NATO's aspirations will continue to spur reform and purge cold war ideologies and dividing lines.

While maintaining NATO's high standards, we should invite those nations ready to assume membership responsibilities and contribute to European stability and security to be a part of NATO.

If countries such as Slovenia and Slovakia stay the course, they would be among the strongest candidates. Given the importance of stabilizing southern Europe, I also believe we should invite Bulgaria and Romania. I am hopeful they will continue their remarkable progress and become strong members of the alliance.

The defining issue will be the Baltic States, Latvia, Lithuania, and Estonia. They are among the great success stories of Europe's post-Communist transition. Their illegal annexation by the former Soviet Union 60 years ago should not determine Western policy today. If the Baltic States continue to perform and meet our standards, we should bring them in, all of them, at the Prague summit.

I have addressed that issue, at least to give my personal views as a Senator, for the last year. I felt it was important, as the Senator from Virginia has pointed out in this debate, for us to consider individually each of these countries, to initiate that debate a long time before the Prague summit or even before the trip our President is to take to visit with President Putin.

As the distinguished chairman of the Foreign Relations Committee has pointed out, he has made a number of trips to Europe to visit not only with the aspirants in the first round of NATO enlargement but with the current group. I went to Europe last September for a similar purpose. I made it a point to visit each of the Baltic

States to meet with the leadership of those countries, with their military people, as well as their diplomats, and continued on to Romania and Bulgaria for an equally interesting and important visit to enlarge my own understanding of where they stood, what they were doing, what kind of criteria they understood membership required.

I visited the NATO headquarters in Brussels in January at the invitation of our Ambassador Burns to address a NATO workshop which included 10 aspiring countries in a roundtable discussion. Of those 10, I have identified 7 that I believe are logical candidates if they fulfill the criteria. But that is a rigorous course. Ambassador Burns, on behalf of this country, has visited each of the countries that I have mentioned recently. He has gone through a rigorous outline of what our anticipations would be. This is not a free ride for any country, and meeting those criteria will take some doing in each of the seven cases that I have cited.

This legislation does not make that decision, even if this Senator and others have come to some conclusions about the merits of various countries. That is a debate still ahead of us. I would simply counsel my friends who are interested in this issue and all who have spoken this evening to continue visitation of the countries, to continue encouragement of meeting the criteria, to show interest on behalf of the United States in these countries. Those are the steps we ought to be taking presently, and they will lead to a formal and, I hope, a wise decision, long before there is a final Prague summit and our President makes a commitment, at least of his own resources, on behalf of the United States.

NATO's open-door policy toward new members, as established in article 10 of the Washington treaty, is truly fundamental. To retract it would risk undermining the tremendous gains that have been made across the region. The result of a closed-door policy would be the creation of new dividing lines across Europe. Those nations outside might become disillusioned and insecure and thus inclined to adopt the competitive and destabilizing security positions of Europe's past.

NATO's decision to enlarge in stages recognizes that not all new applicants are equally ready or equally willing to be security allies, and some states may never be ready. But the maintenance of the open door to future membership will continue to be a powerful motivating force in Europe.

NATO has launched a new initiative to expand cooperation and consultation with Russia. From my perspective, NATO enlargement need not be a zero-sum game. One can be a strong supporter of NATO enlargement and of a new United States-Russian strategic partnership, as I am. We need to continue to invest in the promotion of the security and the stability of Russia and the other newly independent states, and it is in the interest of both NATO and Russia for a democratic Russia to emerge and to regularize its cooperation with the alliance.

For this reason, I support the Bush administration's efforts to draw Russia closer to NATO, to deal with mutual security concerns in reciprocal fashion, and to support Russia's consolidation of a nonimperialist, peaceful democracy.

If NATO is to continue to be an effective organization meeting the security needs of its members, it must play a central role in addressing the major security challenges of our time, which in my judgment are the war on terrorism and the threats posed by weapons of mass destruction.

That will require NATO to change, and in a very large way. But the alliance has demonstrated in the past that with U.S. leadership, it has the capacity to adapt to new challenges. We must take the next logical step in a world in which terrorist ''Article V'' attacks on our countries can be planned in Germany, financed in Asia, and carried out in the United States. Under these circumstances, old distinctions between ''in'' and ''out of area'' have become meaningless. If Article V threats to our security can come from beyond Europe, NATO must be able to act beyond Europe to meet them.

If we cannot organize ourselves to meet this new threat, we will have given the terrorists a huge advantage. There is nothing they would like more than to see Western democracies divided on this key issue. We are now cooperating closely with our European allies. While we don't publicize it for understandable reasons, the security cooperation, the intelligence sharing is unprecedented. Today there are more Europeans on the ground in Afghanistan than Americans. It is Europe, not America, that is going to foot much of the bill for Afghan reconstruction. In those areas, Europeans have been exceptional allies.

But I have a sober understanding of where we differ with our allies and the hurdles we need to overcome if we are going to succeed. The Europeans have neglected their defenses. While I detect a growing willingness to try to remedy that, it is not going to be easy so long as their economies are in recession. It would be a historic mistake to let this opportunity to forge a new transatlantic understanding slip through our fingers. America is at war. The threat we face is global and existential. We need allies and coalitions to confront it effectively, and NATO is our premiere military alliance. Therefore, NATO enlargement should be pursued as part of a broader strategic dialog aimed at establishing common transatlantic approaches to meet the key strategic challenges in Europe and around the globe.

Fifty years ago, NATO's founders made a political decision that the United States and Europe needed a common strategy to meet common threats. Today we need to make a similar commitment with our allies to complete the vision of a united, free Europe, and to defend our common values and interests in Europe and beyond.

President Bush and his administration placed a continued NATO enlargement at the core of the transatlantic agenda. I ask unanimous consent to print in the RECORD a letter sent to leaders of the Senate from Secretary of State Colin Powell and Secretary of Defense Don Rumsfeld.

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

MAY 7, 2002.

Hon. JESSE HELMS,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR HELMS: The Administration strongly supports S. 1572, the Freedom Consolidation Act. This bill, which reinforces the efforts of European democracies preparing themselves for the responsibilities of NATO membership, will enhance U.S. national security and advance vital American interests in a strengthened and enlarged Alliance.

Speaking in Warsaw last June, President Bush said that ''Yalta did not ratify a natural divide, it divided a living civilization.'' From the day the Iron Curtain descended across Europe, our consistent bipartisan commitment has been to overcome this division and build a Europe whole, free, and at peace. The 1997 Alliance decision to admit Poland, Hungary, and the Czech Republic brought us a step closer to this vision.

Later this year at NATO's Summit in Prague, we will have an opportunity to take a further historic step: to welcome those of Europe's democracies, that are ready and able to contribute to Euro-Atlantic security, into the strongest Alliance the world has known. As the President said in Warsaw, ''As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

We believe that this bill, which builds on previous Congressional acts supportive of enlargement, would reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.

We hope we can count on your support for this bill, and look forward to working closely with you in the months ahead as we prepare to make historic decisions at Prague.

Sincerely,

DONALD H. RUMSFELD,
Secretary of Defense.
COLIN L. POWELL,
Secretary of State.

Mr. LUGAR. They write, in part, Mr. President:

We believe that this bill, which builds on previous congressional acts supportive of enlargement, would reinforce our Nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threat to our common security.

We must seize this unprecedented opportunity to expand the zone of peace and security to all of Europe. It is time

to finish the job and the next step in passage of this important legislation is to act, and to act promptly.

Mr. President, I note the presence of the distinguished Senator from Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from Indiana for his courtesy. I am pleased to have opportunity to speak today on behalf of the Freedom Consolidation Act.

I have long supported expansion of the NATO alliance to include Europe's new democracies, and I believe this piece of legislation sends an important signal to countries aspiring to join the alliance. The U.S. Senate supports the process of enlargement that began in Madrid in 1997, and believes NATO should remain open to Europe's new democracies able to accept the responsibilities that come with membership in the alliance.

During the cold war, as a public official in the State of Ohio, I remained a strong supporter of the captive nations, who were for so many years denied the right of self-determination by the former Soviet Union. That strong support of the captive nations was generated back in my youth. As a matter of fact, the first paper that I wrote in undergraduate school at Ohio University was about how the United States sold out Yugoslavia at Tehran and Yalta. That grieved me, and I wondered whether those nations would ever have the self-determination that they were promised.

When I was mayor of Cleveland during the 1980s, we celebrated the independence days of the captive nations at city hall—flying their flags, singing their songs, and praying that one day those countries would know the freedom that we enjoy in the United States.

In August of 1991, as communism's grip loosened, I wrote a letter to then-President George H.W. Bush urging him to recognize the independence of the Baltic nations. Now these countries are among those being considered for membership in the NATO alliance. I know the President remembers last year when we were in Vilnius, Lithuania, on the square before 2,000 Lithuanians. I could not help but think back 15 years and being at the Lithuanian hall of Our Lady of Perpetual Help and wondering if the Lithuania people would ever enjoy freedom. There they were before us, and I had tears rolling out of my eyes. They wanted to join NATO.

Last month, I had the opportunity to meet with representatives with ties to NATO-aspirant countries at a meeting organized by the Embassy of the Slovak Republic and cosponsored by the Polish American Congress, strong supporters of the Solidarity movement in Poland and great advocates of Poland becoming a member of NATO. The meeting included individuals from nine aspirant countries, including Albania, Bulgaria, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovenia, and Slovakia, as well as Croatia, which was formally invited to join the NATO accession process at the NATO ministerial meeting this week. Representatives from the Czech and Hungarian communities were also there, who were also in favor of continued expansion of the alliance.

They came together to promote the merits of enlargement as a single, unified group, and to deliver the message that NATO expansion is in the best interest of the United States of America, Europe, and the broader international community of democracies.

The spirit of that meeting I think is encapsulated in this bill; it does not divide; it does not endorse one candidate country over another; rather, it encourages emerging Central and Eastern European democracies to continue reforms to promote democracy, the rule of law, the merits of free market economies, respect for human rights, and military reform. These values are the hallmark of the NATO alliance. And I can tell you that the progress that we have seen in those countries toward the issues I have just enunciated would not have been as aggressive if it wasn't involved in their trying to prove to the other NATO members that they were worthy of membership in NATO.

I strongly support that message, and I share the sentiments expressed by President Bush in remarks he delivered in Poland last June, when he was at the NATO summit in Prague. He said:

> We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

When NATO heads of state join in Prague this November for the summit of the alliance, three primary items will fill their agenda: First, discussion about capabilities and the future of the alliance; next, the selection of new members; and, finally, new relationships with Russia, Ukraine, and other members of the international community.

As the Senator from Indiana said, without a doubt, the events of September 11 have dramatically impacted the conversations that will take place in Prague. As the United States and other members of NATO consider each of these issues, it is within the broader context of a changed world post-9–11.

This reality was seen this week when Secretary of State Colin Powell joined his NATO colleagues for a NATO ministerial meeting in Reykjavik, Iceland. New threats facing the alliance in the aftermath of the terrorist attacks against the U.S. influenced discussions on Russia, as NATO foreign ministers reached a historic agreement on a new NATO-Russian Council, and they certainly influenced conversations about the urgent need to address the growing capabilities gap between the United States and our European allies, which I am sure the Senator from Virginia is very much concerned about.

They also influenced discussions on NATO enlargement, as the foreign ministers reaffirmed their support of the alliance at Prague.

Although there are, without a doubt, a number of pressing questions that the alliance must begin to answer, I believe NATO enlargement is still a high priority because of its importance to U.S. national security and peace in the world.

I strongly support a statement made by Under Secretary of State Mark Grossman in his testimony before the Foreign Relations Committee earlier this month, when he said:

> The events of the September 11 show us that the more allies we have, the better off we are going to be; the more allies we have to prosecute the war on terrorism, the better off we are going to be. And if we are going to meet these new threats to our security, we need to build the broadest and strongest coalition possible of countries that share our values and are able to act effectively with us. With freedom under attack, we must demonstrate our resolve to do as much as we can to advance our cause.

Since September 11, the United States and NATO have called on members of the international community to provide critical assistance in a number of areas outside of the traditional military realm. While these do not outweigh the need for improved defense capabilities, such as strategic airlift capabilities and improved communication systems, they are nonetheless critical to thwarting future terrorist attacks.

We have seen the benefit of these contributions as the international community continues to engage in a global campaign against terrorism. The nine NATO aspirant countries, as well as Croatia, have reached out to the United States in the aftermath of the September 11 attacks. They have pledged their solidarity, volunteered their resources, and shared intelligence information with the United States and NATO. They have decided to not act as aspirants, but as allies, and their strong support is highly important. Senator LUGAR, in his remarks, pointed out how much help they have given us so far.

As significant as this cooperation has been, the work is not done. It is critical that countries aspiring to join the alliance continue their efforts to make progress in areas outlined in the membership action plan—developing free market economies, promoting democracy and the rule of law, respecting the rights of minorities, implementing military reforms, and committing resources to their defense budgets, just as we are doing.

I have made it clear to all of these countries that are seeking membership in NATO that it is the MAP, the membership application plan—we are going to watch what you do, and there is not going to be any automatic entry into NATO; you are going to have to prove you are worthy and show us through your actions and also in your ability to use a good portion of your budget and invest it in defense.

As a Member of Congress who has long been involved with transatlantic issues, I understand the importance of NATO expansion to strengthening security and stability in Europe. I supported the enlargement of the alliance in 1997, and I will again support enlargement at Prague. I believe NATO should be open to further expansion in the future.

There are probably very few Members of this body who have visited all of the NATO aspirants. I have, with the exception of Slovakia. I have been impressed with what they are doing. I will visit Slovakia, Macedonia, and Slovenia after attending the National Assembly meeting in Bulgaria later this month.

Last year Senator DURBIN and I visited Estonia, Latvia, and Lithuania and were impressed with the commitment they were making to qualify themselves as members of NATO.

I remember before we attended the OSE meeting in Paris we visited with General Ralston at Normandy, and he spoke eloquently about what he had seen when he visited the Baltic countries, with heavy emphasis on communications, the BaltNet they put in place, which he said was better than countries that already belonged to NATO, and then being in Slovenia 2 years ago and seeing the communication system they put in place.

I will never forget General Kronkaitis, a former U.S. Army General who is now the adviser to the Lithuanian army, and how he really made me very proud of how he had inculcated the spirit that he received from being a member of our U.S. military.

I strongly support and believe NATO expansion demonstrates our country's commitment to freedom and democracy in the global arena, and I will continue to promote expansion of the alliance to include Europe's new democracies which demonstrate the ability to handle the responsibility of NATO membership.

Ronald Reagan used to talk about trust but verify. Although we have entered into some new negotiations with President Putin and Russia, my history makes me a little bit uneasy. One of the thoughts I had is that now that these countries, which I so longed to have freedom, have freedom, we verify they will continue to have freedom.

In other words, they have their self-determination, they have freedom, but the only thing that will make me comfortable before I am taken to some other place is that we verify this trustful relationship we have with Russia.

Mr. President, the only way I think we can verify that relationship is to make sure these democracies become part of NATO. That will assure me that the big boot of someone will not again step on those nations that have been through so much during the last century.

I urge my colleagues to join me in support of this important legislation which makes clear the Senate's strong support for NATO enlargement in Prague this November.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my good friend from Ohio. He has a very clear understanding through many long years of travel experience and, indeed, his proud heritage. In many debates we have had in this Chamber, particularly with regard to the Baltics, he has brought an important perspective, and I commend him.

I am glad the Senator spoke with reference to Russia. I join with my colleague from Indiana. I hope our President is able to make further progress with President Putin. They made good progress to date. I am supportive of the arms control initiatives that will soon be brought to this Chamber. Ronald Reagan's credo, ''trust but verify,'' we should all follow.

I remember, I say to my colleagues, by coincidence I was visiting with Secretary of Defense Cohen, our former colleague, in NATO, sitting in the council room of the North Atlantic Council when for the first time a Russian marshal walked in and was seated those many years ago, and they started a relationship with Russia. Does my colleague remember that? I also remember there came a time when Russia abdicated that relationship and walked away from it.

I support the initiatives by the President, but let's be mindful of the past.

I wish to say to my good friends in the Chamber of the Senate tonight, I seem to be the sole vote of the conscience that I worry about this expansion. If we were to admit nine nations, I say to my dear friend from Ohio, nine nations—and that is what this document basically says. It sort of endorses, to use Senator LUGAR's word, this document we are about to adopt tomorrow morning endorses—does my colleague realize that if all nine go in, that will be 28 nations, give a nation or two; that is just about double the original size of NATO.

I am heartened by this debate because we have succeeded in this debate tonight to establish, No. 1, that the Senate will have the facts before it is to act intelligently at such time—I say intelligently, I also mean being well informed to make an intelligent decision about the facts of each of the aspirant countries before we hand them a final document as submitted by our President.

I say to my good friend from Delaware, in his earlier debate he said: We will have a chance to act. The President will send up a list of nations, and I was proud to do it last time. I remind the Senator, that will be too late for the Senate to act in an informed way.

If we examine the record tomorrow of this very fine debate, we will see he now recognizes that we need time, as does the Senator from Indiana, and both Senators committed to bringing the Senate through a hearing process on the facts on which to make a judgment.

Mr. VOINOVICH. Mr. President, will the Senator from Virginia yield for a question?

Mr. WARNER. I yield.

Mr. VOINOVICH. From what the Senator from Virginia just said, is it his understanding that if this bill passes tomorrow, that means we are automatically going to——

Mr. WARNER. No, and I am glad the Senator has raised that point. It was drawn up very skillfully in the House of Representatives, picking selective quotes from our great President, whom I support, but those of us in the Chamber recognize, and as I have elicited from the chairman of the Foreign Relations Committee, and as agreed upon by my distinguished friend from Indiana, the ranking member, this document commits us to nothing more than the authorization of specific amounts of dollars to the nations that are aspiring to join. That is all it is. But as it is reproduced and sent across the ocean to Europe and printed in the papers, I think people can say: Oh, the Senate has now acted; not maybe in finality, but we are one step closer before we have the facts before the body.

Mr. VOINOVICH. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. VOINOVICH. I must tell the Senator that my support does not guarantee I will support all nine of those countries coming in because we are going to distinguish between those that are qualified and not qualified. As I mentioned in my remarks, I made it very clear to the leaders of these aspirant countries that they cannot take for granted that they are going to be admitted into NATO unless they comply with the requirements of the membership application plan.

I was with the President last Friday and discussed this issue with him. He made it very clear to me that in spite of the fact he has made some very strong statements about NATO expansion, he has made it very clear to those aspirant countries, to their Prime Ministers and Presidents, that they had to meet the requirements.

I want to make it clear, no one should assume from my vote on this and I hope a lot of others, that this is a layup shot and all these countries are going to be coming into NATO because they have a long way for that to happen.

Mr. WARNER. Mr. President, I draw to my colleagues' attention, ''this act may be cited as the Gerald B. H. Solomon Freedom Consolidation Act of 2001.''

What is freedom consolidation? I am not sure. That is what concerns me. There are a number of phrases in here carefully elicited from speeches, documents by our President and others, which portray—I know one of my great loves in life is to paint a little bit. It is like a montage. It is rather pretty. It is like a great painting, but if you look at

it from afar you might say, ''We hear that we're in.''

I am glad tonight the distinguished Senators from Ohio, Indiana, and Delaware have made it very clear in response to my questions, this document upon which we are about to vote tomorrow does nothing more than authorize sums of money.

Mr. LUGAR. May I respond to the distinguished Senator on that point?

Mr. WARNER. Yes.

Mr. LUGAR. I think the Senator is correct. I add that the actual authorization of money will go to seven of the nine countries.

Mr. WARNER. Yes.

Mr. LUGAR. The Senator is correct that the MAP program refers to nine, and therefore vigilantly we are looking at those criteria. I would further offer my assurance that I plan to work with the distinguished chairman of the Foreign Relations Committee so that hearings will elicit from the administration what the findings have been from this MAP program, and that will have some bearing upon the vote of the Senator for various individuals.

My purpose in giving speeches early on this issue—and the distinguished Senator has likewise been doing this—was to make sure the debate was of a better quality than the last time around, when in fact at the summit some decisions were made in what otherwise would be called international horse trading. Granted, criteria had been met, and a lot of debate had occurred, but in fact we are ahead of the game, as we ought to be.

I respect the Senator's questions to make certain we are vigilant in getting the facts and evaluating these countries closely.

Mr. WARNER. Mr. President, I thank my colleague for those comments.

Mr. DURBIN. Mr. President, I strongly support this bill, but at the outset I want to make clear what this bill does and does not do.

This bill makes a clear and unequivocal statement endorsing further enlargement of the North Atlantic Treaty Organization and it authorizes assistance to aspirant countries.

The bill does not choose which countries will be asked to join NATO in Prague in November, nor does it prejudge the vote in the Senate when the treaty changes that includes new members comes before the Senate for its advice and consent.

We want to pass this bill today to make a strong statement prior to the President's trip to Europe that the Senate welcomes another round of enlargement to include those countries that are ready to accept the responsibilities of membership.

Many nations aspire to join NATO including Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, Bulgaria, Macedonia, Croatia, and Albania. It will be up to NATO to decide which countries have met the criteria of democratic governance and military preparedness.

I want to focus my remarks on the Baltic states, not because I oppose the membership of other aspirant states. I always confess my prejudice when I speak about the Baltic states. My mother was born in Lithuania. So when I speak of the Baltic countries, it is with particular personal feeling. I have visited Lithuania on four or five different occasions and have also visited Latvia and Estonia several times.

I went to Lithuania a few years ago, along with my late brother, Bill. We went to see the tiny town where our mother was born, Jurbarkas. When we were there, we found that we had relatives, cousins, that we never knew we had—family separated by the Iron Curtain.

I did not believe in my lifetime that I would see the changes that have taken place in those three tiny countries. When I first visited Lithuania back in 1979, it was under Soviet domination, and it was a rather sad period in the history of that country. The United States said for decades that we never recognized the Soviet takeover of the Baltic States. We always believed them to be independent nations that were unfortunately invaded and taken over by the Soviets.

But in 1979, I saw the efforts of the Soviet Union to impose Russian culture upon the people in Lithuania, Latvia, and Estonia.

The Soviets expatriated many of the local people and sent them off to Siberia and places in the far reaches of Russia; and then they sent Russians into the Baltic states in an effort to try to homogenize them into some entity that was more Russian that it was Baltic.

But it did not work. The people maintained—zealously maintained—their own cultures, and they kept their own religion, their own languages, and their own literature and their own dreams. I did not imagine in 1979 that I would ever see these Baltic states once against free, and yet I lived to see that happen.

On March 1, 1990, Lithuania re-asserted its independence from the domination of the Soviet Union. Latvia and Estonia followed with declarations canceling the Soviet annexation of their countries.

These declarations were not without cost. In January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier. Five hundred people were injured during these attacks. In Latvia, peaceful, but courageous crowds surrounded the parliament building in Riga to prevent a Soviet attack.

The images of crowds of unarmed civilians facing down Soviet tanks to protect their parliaments in Vilnius and Riga was a powerful message of resistance that shocked Moscow and resonated throughout the Soviet Union. Their courage led the way for other Soviet Republics to throw off the yolk of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union in August 1991.

Today these three nations have worked hard to become market economies, to watch their democracies flourish. The fact that they want so much to be part of NATO is an affirmation of great hope and great optimism for the future of Europe. As countries like Lithuania, Latvia, and Estonia, and so many others that were either part of the Warsaw Pact or even Soviet Republics become [part of NATO, they show the dramatic transformation into a democratic form and a new democratic vision in Europe, whole and free.

The Baltic countries have nurtured their relations with the West, but they have also worked to have good relations with Russia. Despite the bitter experienced of years of Soviet occupation each Baltic country has worked to be sure that its citizenship and language laws conform to European standards, taking care not to discriminate against ethnic Russians.

As a result of these steps, and because of the United States and NATO's efforts to engage Russia in a positive relationship with NATO, Russia's opposition to Baltic membership in NATO has evaporated, or at least receded to grudging acceptance.

The Baltic countries have also taken steps to fact up to the bitter history of the Holocaust, when hundreds of thousands of Lithuanian, Estonian, and Latvin Jews perished, by setting up a Holocaust museum, teaching about the history of the Holocaust in school, returning Torah scrolls, and working to restore Jewish property.

If we refuse to enlarge NATO further, we would have told these countries that despite their epic and inspiring struggle to liberate themselves from communism, the West had once again turned its back on them. We must make it clear that Russia is welcome to cooperate with the undivided, free, pros, and secure Europe that is being built.

Some people have questioned what these tiny countries would bring to NATO. NATO is not a country club, after all it is a military alliance.

When the Soviets troops finally left the Baltic countries, they took everything. There wasn't even a toilet seat left in a barracks, the drain pipes were cemented shut, and the military hardware was gone. They started from scratch. This has made their effort to building a military harder and more expensive, but in some ways, it has been a blessing. The old Soviet ways disappeared along with their equipment. Western ways of thinking about military organization were welcomed. In 10 years, with the help of the United States, Poland, Great Britain, Germany, the Nordic countries, and others

in Europe, these countries have built new militaries on a Western model.

To be sure, they are small countries, but they have their niche. The Baltic countries can and will make a positive contribution to NATO. They are building small militaries with a reserve system that can be called up in time of war. They have specialized in peacekeeping and logical support and have participated in missions in Bosnia, Kosovo, and now in Kyrgyzstan. They each are spending the requisite 2 percent of GDP on defense, but have also pooled their resources and cooperated on a Baltic Naval Squadron, a Baltic Defense College, and a Baltic Peacekeeping Battalion. They have worked together to create a joint air surveillance network that NATO will be able to use and are contributing some facilities, including an important former Soviet airbase.

When we ratified the membership of Poland, Hungary, and the Czech Republic, some in the Senate doubted their contributions, worried about cost burdens, and feared adding these new members would have NATO cumbersome and unworkable. These problems have not materialized; rather, Poland, Hungary, and the Czech Republic have been our staunch allies in NATO.

The model of the last round serves as well for this one. I believe we must complete the job we started in 1999 to expand NATO and cement a stable, democratic, whole, and free Europe.

Mr. HAGEL. Mr. President, I rise today in support of HR 3167, the Gerald B.H. Solomon Freedom Consolidation Act. I am a cosponsor of S. 1572, the Senate companion to this important bill.

Today freedom and democracy flourish from the Balkans to the Black Sea. One cannot help but marvel at the transformation over the last decade in Central and Eastern Europe. These countries have moved from members of the Warsaw Pact to allies of the United States in military operations in Bosinia, Kosovo, and Afghanistan.

An issue that has united these nations during this time of historic transformation has been the commitment to democratic reforms and closer relations with the United States. NATO membership, the strongest link between Europe and the United States, has been a cornerstone of the foreign and security policy goals of each of the member countries.

On May 19, 2000, the Foreign Ministers from nine NATO aspirant countries met in Vilnius, Lithuania to jointly reiterate their desire to firmly entrench their nations in the western community of democracies. Latvia, Lithuanaia, Estonia, Slovenia, Slovakia, Albania, Macedonia, Romania and Bulgaria were at various stages of readiness for membership. But from that day forward, these nations have demonstrated that they could work together to pursue their individual goals for security. In May 2001, Croatia joined this group—now called the ''Vilnius 10.''

NATO has recognized their aspirations and has made clear its intention to extend invitations for membership at the Prague summit this November. Each candidate nation will be judged on its own merits and progress.

And as the process of NATO enlargement moves forward, it is important to ensure that it does so in a way that enhances NATO and peace and stability in Europe.

The standards for new members are most clearly stated in Article X of the Washington Treaty of 1949 the founding NATO document, which provides two major criteria for membership. First, a nation must be, ''in a position to futher the principles of this Treaty.'' In other words, a nation must have a strong and demonstrated commitment to democratic ideals.

Second, the nation must be in a position ''to contribute to the security of the North Atlantic area.'' NATO is a military alliance, and new allies should strengthen, not weaken, transatlantic security.

Economic stability is part of these two requirements for joining the alliance. Military reforms and military commitments cost money, these nations must be able to pay for the commitments they make to the alliance. And economic stability also means political stability, a theme that has underlined our current debate on trade policy.

Each of the Vilnius nations will be examined on the criteria. I mentioned above. This leglslation does nothing to prejudge the decisions that will be made by the NATO member countries on which of the aspirant nations will be invited to join the alliance.

This legislation unequivocally declares congressional and Presidential support for continued responsible enlargement of NATO.

This legislation also provides financial assistance, in the form of foreign military financing, to NATO candidate countries as they conduct the reform and restructuring of their military forces to meet NATO requirements.

We must be wise enough to seize this moment of dramatic and positive changes in Europe, building onto what has been accomplished during the first 50 years of NATO. NATO expansion will help consolidate the freedom the nations of Central and Eastern Europe have secured by including them in the world's most successful alliance, NATO.

I strongly urge my colleagues to support this important legislation.

Mr. SMITH of Oregon. Mr. President, today we are considering the Gerald B.H. Solomon Freedom Consolidation Act. This bill, which passed overwhelmingly in the House of Representatives is identical to S. 1572 and has over 30 cosponsors here in the Senate was reported out unanimously by the Senate Foreign Relations Committee in December of last year.

The Gerald B.H. Solomon Freedom Consolidation Act reaffirms the Senate's support for continued enlargement of NATO, without naming any names of who should receive an invitation to join. It also demonstrates that extending security and stability in Europe through the enlargement of the most successful military alliance in modern history is not a partisan issue.

The bill endorses the vision of further enlargement of NATO articulated by President Bush on June 15, 2001, when he stated that, ''all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom.''

It also endorses the statement of former President Clinton, who in 1996, said, ''NATO's doors will not close behind its first new members . . . [but] NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership.''

While President Bush said we should see how much and not how little we can do, inviting new members into the alliance is a serious exercise requiring careful consideration of applicant countries' capabilities and their commitment to democratic values.

When the time comes to select which countries should receive an invitation to join NATO, we should ensure that the inclusion of a particular candidate will make the alliance stronger.

In other words, does its military, geographic, political and public commitment strengthen the Atlantic alliance and its ability to preserve a stable and secure Europe?

NATO membership is not based solely on military capability. If NATO were only about aligning the worlds greatest militaries then its membership roster would include Israel and Russia or China and North Korea rather than Iceland and Norway.

I think we can all agree that values matter. Democratic values, the rule of law, religious freedoms, protection of minorities.

When the time comes to look at which countries should be invited to join the alliance from those participating in the MAP, Membership Action Plan, process, we certainly should examine what capabilities they bring to European security, the trans-Atlantic relationship and the global war on terror.

However, perhaps what is more important than what contribution they have made to KFOR, SFOR or Operation Enduring Freedom, or more important than their geography or the overflight rights they have granted, is what they are doing within their own country.

Are they advancing a democratic society, working to eliminate government corruption, preventing their country from being used as a transit for the trafficking of women and children, protecting the rights of minorities and settling regional divisions?

Is bigger better? It can be.

The countries actively being considered for NATO membership that are in

the MAP process all see the value of revitalizing the Atlantic alliance. They have demonstrated that they are ready to be an ally through contributions in Bosnia, Kosovo and Afghanistan.

Every Slovak, Latvian, or Romanian that is back filling NATO in KFOR or SFOR or engaged in Operation Enduring Freedom means one less American that is in harms way.

The time has come for NATO to address how decisions are made as not to repeat what came to be known in Kosovo as ''war by committee'' when target selection had to be cleared through the NATO capitals rather than the NATO military commander.

Supporters and opponents to NATO Enlargement agree that the growing capabilities gap between the United States and our European allies must be addressed and will be addressed at the NATO summit in Prague.

We in the United States must be able to turn to our NATO allies as they do us for capabilities to face the threats of today.

The world that we face has in fact changed and we, as well as our NATO allies, must do the real work of building the capabilities to address what Secretary Rumsfeld called asymmetrical threats even prior to September 11.

It seems to me that top on the list of threats that both we and Europe face is the growing threat of weapons of mass destruction.

At the Prague Summit in November, NATO must properly address what we can do together to address the threat posed by weapons of mass destruction in the hands of our new common enemy, global terrorism.

What NATO's mission will be in the future is an important question. Thirty-six years ago, in ''The Troubled Partnership,'' Henry Kissinger wrote of the difficulties in the Atlantic Alliance, and queried whether we and Europe had the same vision for the future of NATO.

Differences still exist, however, we should not jeopardize all that NATO is by focusing on what it is not; rather we should see how NATO can better address the threats that we see so clearly since September 11.

Mr. MCCAIN. Mr. President, when I first came to Congress, Slovakia and Slovenia didn't exist at all, Bulgaria and Romania were hostile states in the darkest depths of the Soviet empire, and the Baltic states of Estonia, Latvia, and Lithuania lived only in the hearts and souls of their people, their sovereign nationhood snuffed out by Soviet annexation. This evening, we debate a clear and noncontroversial Sense of the Senate resolution expressing our support for these same nations' aspirations to join the North Atlantic Treaty Organization, the alliance we formed to counter the aggression that once placed each of these nations on the far side of the Iron Curtain, in one of the greatest organized assaults on our values since we claimed them as our own.

Our consideration of these nations' candidacy to join NATO at the Prague Summit in November is a victory for democracy, for freedom, for what we fought from 1941 until 1989 to bring about: a Europe whole and free. Our Alliance reflects Europe's continuing and historic transition from hostile division to a continental zone of enlightened rule within secure borders. But that transition remains incomplete.

NATO's fate, and that of Europe, rests upon completing the job we started at the 1999 Washington summit, and which we will continue in Prague this November. As President Bush stated last summer in Warsaw: all of Europe's new democracies, from the Baltics to the Black Sea, should have a chance to join the North Atlantic Alliance.

The last round of NATO enlargement demonstrated the importance of the alliance as a living, vibrant institution, committed to meeting the security challenges of the Euro-Atlantic region. Cold war-minded critics contended then that we were creating a new dividing line in Europe. But the result of enlargement was to extend stability and security eastwards, into lands where the absence of these qualities has frequently led to armed conflict in the past.

Critics of the last round of enlargement said NATO's consensual decision-making process would become bogged down by the addition of new members. But to the extent that consensus over NATO's response to Slobodan Milosevic's crimes in Kosovo was difficult to achieve, the newest members of the alliance often provided the strongest support within our councils for joint military action. NATO's newest members also made important human, material, and geographic contributions to the alliance's mission.

Now, critics argue that the new threats of terrorism and mass destruction bring NATO's mission and future into question. It is hard to understand why. Yes, America and some of our European allies have disagreed about how best to pursue the war on terrorism. But our shared conviction about the common values that require our defense is not in doubt. NATO is not less important after September 11; it is more important. For the first time in its history, the alliance invoked Article V, the mutual self-defense clause binding upon all members, after the terrorist attacks in New York and Washington. Until very recently, allied aircraft patrolled America's skies. Today, 16 of the existing 19 members of the alliance have boots on the ground alongside American forces in and around Afghanistan. Remarkably, a number of the nations that aspire to NATO membership have also deployed forces to support allied military operations. They don't yet have a treaty commitment, but they are acting like they do, in a gesture of goodwill that transcends mere rhetoric about our common values by putting men in harm's way to defend them.

Our fundamental goal at Prague must be to transform what has become a somewhat divisive trans-Atlantic debate about the role and relevance of our NATO partners in the war on terrorism into a concrete plan of action to align the alliance's purpose of collective defense with the threats of terrorism and weapons of mass destruction—dangers that threaten the people of Europe no less than the American people, as we saw most recently in the tragic bombing in Karachi, Pakistan that took the lives of 11 French nationals.

I believe the hand-wringing in Washington academic circles and the corridors of Brussels about the alliance's existential crisis is misplaced. Rather than engaging in a stifling, bureaucratic debate about NATO's core purpose, we should devote our attention to sustaining the success our Alliance has enjoyed in deterring Soviet aggression, bringing a stable peace to the Balkans, and uniting our community of values. The Bush administration's far-sighted agenda for Prague reflects an effort to build on NATO's successes in concert with our allies, in order that its future in the defense of freedom may be as storied as its past.

The Freedom Consolidation Act addresses the enlargement pillar of this agenda. We do not require the mere ceremonies of enlargement, and the new faces it brings to our councils, for fear of institutional failure, or for lack of some higher purpose. We must enlarge this alliance to complete the task we started in 1949: to create an impregnable zone of stability, security, and peace in Europe that is upheld by our joint military power, rooted in our resolve to defend this territory against aggression, and inspired by our commitment to the principles of liberty, to which we pledge our sacred honor.

In doing so, we replace the containment strategy of the cold war era with the enlargement of our community of values. We relegate Yalta's division of Europe to the history books. We forge a new Euro-Atlantic community, transformed by the values we fought the cold war to defend. And we celebrate the freedom that almost all European peoples enjoy today as a consequence of our mutual sacrifice.

Our task is to invigorate our alliance with this premise: that the Atlantic community is not a group of cold war-era military allies looking for new missions to stay relevant, but a political community of like-minded nations, challenging the cruel dictates of history and geography, that is dedicated to the principles of democracy, and to fostering a continent where war is unimaginable and security, guaranteed—even as it faces new and grave threats to these core principles. The threats have changed since 1949; our commitment to the defense of freedom has not. NATO's purpose remains sound, and its role, indispensable.

Seven nations are serious contenders to receive invitations to join our alliance in November. Three more are engaged in a longer-term process of preparing themselves to meet NATO's membership criteria. I cannot think of a better example of the triumph of our values, and the success of the institutions we have built to serve and protect them, than the urgency with which the aspirant nations now pursue membership in our alliance. We should welcome them, when they are ready. I believe the seven serious candidates for this round of enlargement will be. They hold their destiny in their hands, and we wish them well in working aggressively to meet the criteria for NATO membership. I hope we can soon call these nations our allies, in the truest sense of the word.

While I support a ''Big Bang'' enlargement of the alliance into northern, central, and southern Europe, I believe the southern dimension of NATO enlargement is perhaps the most compelling on strategic grounds. NATO's southeastern expansion into Bulgaria and Romania would secure Europe's southern flank, enhance stability in the western Balkans, and end Turkey's strategic isolation from the alliance. It would help diminish continuing frictions in Turkey's relationship with the EU, minimizing Turkish grievances over the question of an independent European security identity and opening the door to the development of effective coordination between the EU and NATO. A visionary enlargement of the NATO alliance to the south combined with the EU's historic expansion to the east would bring about a new and welcome cohesion of Turkey to Europe. This is in the interests of Turkey, the European Union, the United States, and NATO.

The most compelling defense of war is the moral claim that it allows the victors to define a stronger and more enduring basis for peace. Just as September 11 revolutionized our resolve to defeat our enemies, so has it brought into focus the opportunities we now have to secure and expand freedom.

Senate passage of the Freedom Consolidation Act sends an important signal to our allies, present and future, about America's commitment to sustaining the success our alliance has enjoyed for 50 years. It provides the administration an enthusiastic vote of confidence in its visionary campaign to enlarge and transform NATO to meet the new threats. It reminds us all that freedom's power is multiplied, not diminished, as more people share in it.

Former Estonian Prime Minister Mart Laar wrote a wonderful book about the Estonian resistance to Soviet occupation. He recalls the fervor with which Estonian patriots resisted Soviet aggression, and their dreadful realization that no outside power would intervene to save their nation from Soviet tyranny. He writes:

Nobody believed that Estonia would, for decades and decades, be left in the hands of the Soviets. That wasn't even a possibility. It's only a question of time, everybody thought. But after decades went by, the idea about the West coming to their aid disappeared. The fight in the forest became a personal thing. These people fought because they simply wanted to die as free men.

Today, Estonians, Latvians, Lithuanians, Slovenians, Slovakians, Bulgarians, and Romanians live as free men, and women, in testament to the same values for which patriots before them lived, and died. The values we in the U.S. Senate invoke today as we express our support for the right of these nations to choose their destiny in the collective defense of freedom.

Mr. LIEBERMAN. Mr. President, NATO, the North Atlantic Treaty Organization, is an alliance of free, democratic nations, unique in human history for its characteristics and its success. Today, the alliance's principled strength not only protects the peace and freedom of the transatlantic community, but contributes to building a world that is ever more free, more democratic, and more prosperous.

For years, physical defense of member nations' home soil, as defined under Article V of the North Atlantic Treaty, has been the core of our alliance. Since the end of the cold war, NATO has constantly reconsidered the landscape of threats to security and freedom and has responded to that changing landscape by defining new missions and new capability needs. In Bosnia and then Kosovo, NATO applied appropriate force just outside its immediate borders for the common good of stability in Europe. And it did so successfully with partner forces from non-NATO European states.

Partner states are learning from NATO and striving to emulate the alliance's standards of military professionalism, transparent civilian control of military power and resources, and the legal and civil foundations of popular legitimacy. Many of those partner states aspire to full membership in the alliance. I believe that opening membership to a large number of nations will make NATO an even more potent protector of transatlantic and global security from threats including terrorism, a better facilitator of regional conflict resolution, and a more influential incubator of democracy.

Senator WARNER reminds us, correctly, that the alliance is so successful because it provides history's standard for rigorous and professional military planning and execution. But NATO is also the flagship institution in America's post-WWII success in widening the circle of democracy, stability, and prosperity across the transatlantic region. The achievement of ''Europe, whole, free and at peace'' will likely be remembered as the greatest legacy of American foreign policy in the 20th century, because it is the foundation for greater opportunity in this century, as well as greater collective security.

I believe that any democratic European nation that meets NATO's criteria and can be a net contributor to the security of the alliance should be admitted. I support welcoming into NATO at the Prague summit as many candidate nations as meet these criteria.

Let us focus for a moment on the alliance's adaptation to new missions. The awful events of September 11th prompted NATO to invoke Article V and respond to attacks on American soil by supporting a war against an enemy half a world away from the United States. Technology has collapsed geographical distinctions to the point that today, a plot conceived anywhere in the world can pose just as serious a threat to NATO members' security as an aggressive military movement across a European border. Clearly, NATO accepts this new reality and must embrace a more expansive geographical understanding of its mission. This evolution in alliance thinking is realistic and healthy.

The aspirant states embrace this mission, too. Declaring their intent to act as de facto allies of the United States, partner states have offered enhanced information sharing, overflight rights, transit and basing privileges, military and police forces, medical units and transport support to U.S. efforts. Most of the aspirant states are participating in some fashion in the International Security Assistance Force in Afghanistan, working well with our forces under Central Command.

The North Atlantic Alliance has before it a summit meeting in Prague this November, at which all the crucial issues—adapting methods of operation, refining NATO's mission, committing to achieve the necessary capabilities, and enlargement—require our engagement. I trust that the administration is working with allies to achieve a consensus on enlargement before the Prague Summit. And I take the administration at its word that it will consult the Congress and especially the Senate regularly about summit issues, as it has done in the February 28 hearing of the Armed Services Committee and at staff level in the months before. In due course, the Senate will deliberate over the individual accession agreements that the alliance may negotiate with aspirant states. Our scrutiny of those candidates and their commitments will provide them with added impetus to raise democratic and military standards and be the best allies they can be.

The Freedom Consolidation Act of 2001, which I cosponsored here in the Senate, is our political signal that the Senate welcomes consideration of new members and holds fast to the vision of a Europe whole, free, and at peace, a vision which Presidents Bill Clinton and George W. Bush have articulated. It also authorizes part of the investment our Nation is making in states that share our vision. The bill will do the following: reaffirm Congressional support for continued NATO enlargement; designate Slovakia as eligible to

receive U.S. assistance under the NATO Participation Act of 1994; and, endorse the Foreign Military Financing (FMF) levels for the Baltic states, Slovenia, Romania, and Bulgaria that the administration sought for the current fiscal year.

In the Armed Services Committee on February 28 we had a thorough airing of questions about the aspirant states. NATO Supreme Commander General Ralston's testimony in particular illustrated that there is practical work going on with all of them and that they expect further scrutiny of their preparedness. The aspirants know they each have a case to make. They are busy in the Congress and expert community explaining their progress and asking what they need to do more or better. In terms of money and military-to-military cooperation, we are already doing what this bill conveys, both bilaterally and in NATO.

And so I urge my colleagues to join Senator HELMS, the other cosponsors and myself in sending this signal that America values the NATO alliance, that we value the security arrangements and political principles NATO so crucially advances, and that we value friendly states that share our values and vision.

Mr. KYL. Mr. President, I rise in strong support of H.R. 3167, the Freedom Consolidation Act of 2002.

The title of this bill says it all, our goal here today, and our goal when we enlarge NATO this November, is to consolidate the gains that freedom has made in Europe since 1989.

Thirteen years ago, in a series of wonderful evolutions and revolutions, the people of eastern Europe threw off the shackles of communism and sent the Warsaw Pact to the dustbin of history.

Since then, the many nations of eastern and central Europe, some of them brand new, have striven mightily to establish democratic institutions and develop market-based economies. This is nothing short of a Herculean task, given the magnitude of the problems that beset communist systems as they were in their terminal phase.

The people carrying out this difficult and historic transformation need and deserve all the support we can give them. One of the ways we can provide that support is to encourage the further enlargement of NATO. Membership in NATO will ease the strain on these newly free countries and assist in their transformation to market democracies.

This is true for several reasons. First, membership in NATO, with its bedrock security commitment contained in Article V, will promote a stable environment in which these countries can pursue reforms. Second, membership in NATO will foster an ever greater flow of information and ideas between the U.S., western Europe and these new democracies. Third, membership in NATO will require these nations to maintain democratic systems and uphold the rule of law, thus giving them the incentive to continually deepen their reform process.

These benefits of NATO enlargement, the consolidation of freedom, the encouragement of the reform process in former communist countries, and the expansion of the zone of stability and peace in Europe, are all very much in the U.S. interest.

I think that recognition of these benefits is why there has been such strong congressional support for NATO enlargement dating back to at least 1994. By reaffirming past statements of support for enlargement by Congress, by Presidents Bush and Clinton and by NATO itself, and by authorizing assistance to seven aspirant countries, this bill continues that tradition.

At Munich and Yalta, it was decided that, as Neville Chamberlain termed them, ''small, far-away'' countries could be sacrificed. The ghosts of those two tragic episodes have haunted Europe for over 60 years. A further round of NATO enlargement will help exorcize those ghosts. Therefore, as NATO prepares for its Prague Summit in November, I hope it will heed the words of President Bush, who stated last year that ''as we plan to enlarge NATO, . . . we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

In other words, we should seek to offer NATO membership to as many new members as possible. That being said, NATO must of course be judicious in the selection process. NATO is not a club, it's an alliance. And enlargement is not a free pass to security for new members. NATO membership demands commitment from and places obligations upon those new members.

One of those obligations is the maintenance of adequate defense budgets. New members must be able to offer equipment, forces and capabilities that actually make a net contribution to NATO. As has been much discussed of late, NATO already suffers from the so-called capabilities gap. That is, as we have learned from the campaigns in the Balkans and Afghanistan, there is a large and growing gap between the military capabilities of the United States and most of its NATO allies.

Although the United States has reduced defense spending over the past decade or so, the cuts in Europe have been even more severe. This is reflected in the fact that while we devote over 3 percent of our GDP to defense, the European average is now below 2 percent. This simple fact goes a long way toward explaining why NATO, despite its very helpful and much appreciated invocation of Article V after September 11, has not participated in the campaign in Afghanistan. NATO should not exacerbate the capabilities gap by offering membership to countries that are not serious about actually contributing to a military alliance.

Still, NATO must seize this moment. This is a historic opportunity to make Europe whole again after decades of war, division, and tyranny. That is why I support this bill and hope it will pass overwhelmingly.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Virginia.

Mr. WARNER. Mr. President, I will close this debate, unless others seek recognition, by reiterating my concern is for the American service person—soldier, sailor, airman, and marine—who at some point in time, because of the articles of this treaty, ''an attack on one is an attack on all'', our service persons could be in the foxhole fighting, repelling that attack with someone who is not trained, not equipped, cannot communicate and all the other problems we have had in seeking a uniformity of standards and military capabilities among the NATO forces.

We are putting our people at risk. We are asking our taxpayers, again, to spend enormous sums of money as we did in the Balkan operations. I supported the Balkan operations. We did the right thing: 70 percent of the combat missions, 50 percent of the airlift.

This is not the lone dissenter, I suppose, in the Senate speaking. This is the Secretary General of NATO, Lord Robertson, whom my colleague from Indiana and I have met through many years, former Minister of Defense from Great Britain, now Secretary General of NATO, who said the following. And I will quote from Secretary General Robertson's speech on NATO's future at the February 2000 Wehrkunde Conference in Munich:

> The United States must have partners who can contribute their fair share to operations which benefit the entire Euro-Atlantic community. . . . But the reality is . . . hardly any European country can deploy usable and effective forces in significant numbers outside their borders, and sustain them for months or even years as we all need to do today. For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members—

That is the current 18, our Nation being the 19th. And I remind my colleagues, our military budget is $379 billion, which I am privileged to join with Chairman LEVIN to bring to the floor shortly. The total of all other 18 is $140 billion.

> For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members, we still need U.S. help to move, command, and provision a major operation. American critics of Europe's military incapability are right. So, if we are to ensure that the United States moves neither towards unilateralism nor isolationism, all European countries must show a new willingness to develop effective crisis management capabilities.

I am delighted we have had this debate tonight. I thank colleagues for coming over at this very late hour and participating. It has given me the opportunity to make my points, to elicit very important commitments from colleagues in position of authority. I am not discussing withdrawal from NATO, as may have been inferred by some. I have not reached any conclusion about any one or several countries at this

point in time as to whether they should or should not be admitted into NATO. I do not believe this is an open-door policy.

I read article 10. It is quite specific in the treaty. It says again, you must have the capability to contribute and bear your burden for the security of the entire NATO.

I support efforts by our President with regard to Russia. Again, I think we have covered that. To the extent that the additional nations in NATO can help in this war on terrorism, you will have my support. We have had a good debate. I will do everything I can, and now tonight I am assured by others, to see this is done before the final document is voted upon by the Senate.

I would like to add one thing to this debate. Our good colleague from Delaware, the chairman, said he thought perhaps tonight the only people following this debate would be the ambassadors of the aspirant countries and perhaps ambassadors from other countries, but I have found there is a remarkable infrastructure in the Nation's Capital, and perhaps elsewhere. Many of them are volunteers, such as Mrs. Julie Finley, who is a lifetime friend of mine and who has done a lot of hard work and constructive effort on her own initiative to invite members of the aspirant nations, be they the prime ministers or the defense ministers or the foreign ministers, to events so that colleagues can share and have the opportunity to meet them. So I think there is a tremendous infrastructure. They may not be watching this debate tonight, but I think they will make reference to the record that we have put together.

So I thank my good friend from Indiana because I believe what we have contributed tonight is a very important step towards strengthening NATO.

Mr. LUGAR. I agree with the distinguished Senator from Virginia. I would join him in paying tribute to Julie Finley, whose hospitality I have enjoyed. It has been an opportunity, as the Senator has suggested, for an educational experience about NATO members and aspirants to NATO.

I join the Senator also in his comments about Lord Robertson, who visited this country recently. He spoke to the Council on Foreign Relations and was very candid, as the Senator from Virginia has pointed out, about the obligations of European countries, the lack of lift capacity, the lack of sophisticated communication gear, the lack of the ability to bring in aircraft for specific strikes, the ordnance for this equipment. These are recognized problems.

This debate, and other ways we can focus on NATO, are very important in sharpening our own view of the alliance and of the possibilities of this alliance in our mutual fight against terrorism. I thank the Chair. I thank my distinguished colleague. On our side of the argument, I yield back the time allotted to Senator BIDEN and to myself.

The PRESIDING OFFICER. Under the previous order, the bill is considered read the third time.

The Senator from Nevada.

ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent that the next Democrat amendments in the sequence be the following: Feingold amendment regarding extraneous provisions; a Feingold amendment regarding tax increases on fast track.

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

MORNING BUSINESS

Mr. REID. I ask that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002 AND LAW ENFORCEMENT TRIBUTE ACT

Mr. LEAHY. Mr. President, yesterday I was honored to attend the 21st Annual National Peace Officers Memorial Day Services at the Capitol.

Sadly, last year was the deadliest year in law enforcement history since 1974. In 2001, 230 law enforcement officers were killed in the line of duty including 72 fallen heroes who were killed on September 11.

These brave public servants risked and sacrificed their own lives so that others might live. Each one of us owes these courageous men and women, and their families, a debt of gratitude that we can never fully repay.

During Police Memorial Week, I hope that Congress will act on two pieces of legislation to appropriately honor the families of brave public safety officers who sacrificed their own lives for their fellow Americans.

First, I urge the House of Representatives to take up the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002, S. 2431.

The Senate passed this bipartisan legislation more than a week ago. It is needed to amend the Public Safety Officers' Benefit Program to permit the families of 10 public safety officers killed on September 11 to retroactively receive $250,000 each in Federal death benefits.

Senator CAMPBELL and I introduced this bipartisan measure, cosponsored by Senators SCHUMER, CLINTON, BIDEN and FEINGOLD, to retroactively restructure the Public Safety Officers' Benefit Program to provide benefits to fallen officers who died without a surviving spouse, child, or parent.

I commend Representatives MANZULLO and NADLER for their bipartisan leadership on the House version of this bill, H.R. 3297.

Named for Chaplain Mychal Judge, who was killed while responding with the New York City Fire Department to the September 11 terrorist attacks on the World Trade Center, our bipartisan legislation recognizes the invaluable service of police and fire chaplains in crisis situations by allowing for their eligibility in the Public Safety Officers' Benefit Program.

Father Judge, while deemed eligible for public safety officer benefits, was survived by his two sisters who, under current law, are ineligible to receive death benefits. This is simply wrong and must be remedied.

Indeed, Father Judge is among 10 public safety officers killed on September 11 whose survivors are ineligible for Federal death benefits because they are not surviving spouses, children, or parents of the officers. This bill would retroactively correct this injustice by expanding the list of those who may receive public safety officer benefits to the beneficiaries named on the most recently executed life insurance policy of the deceased officer. This change would go into effect on September 11 of last year to make sure the families of Father Judge and the nine other fallen heros receive their public safety officer benefits.

By taking up the Senate-passed Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act during Police Memorial Week, the House of Representatives can provide much-needed relief for 10 families of public safety officers who sacrificed their lives on September 11.

Second, I hope that later today the Senate will consider the Law Enforcement Tribute Act, S. 2179, introduced by Senator CARNAHAN.

The Senate Judiciary Committee unanimously approved this legislation to create a $3 million Department of Justice grant program to help States, local governments and Indian tribes establish permanent tributes to fallen public safety officers. I am proud to be an original cosponsor of Senator CARNAHAN's bill to honor officers killed in the line of duty.

During Police Memorial Week, the Senate should pass Senator CARNAHAN's legislation to provide Federal resources to our States and local communities to pay proper tribute to the brave public safety officers.

I hope Congress will act expeditiously on these two important pieces of legislation to salute public safety officers across the country and honor the brave men and women who gave the ultimate sacrifice to serve and protect us.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I had the honor this morning of serving as the commencement speaker for the graduation ceremonies at the Virginia Military Institute. This longstanding

commitment was the reason I was necessarily absent for the vote on the motion to table amendment No. 3427 to H.R. 3009 offered by Senator GREGG.

Although my vote would not have affected the outcome, I would have voted against the motion to table.

NOVERMBER 2001 DOHA DECLARATION

MR. GRAHAM. Mr. President, I was unable to deliver this statement during the debate on this amendment Tuesday. However, I want to covey my strong support for the amendment that was offered by my colleagues from Massachusetts and California recognizing the November 2001 Doha Declaration on the TRIPS Agreement and Public Health. I am pleased that this amendment was adopted and included in this trade package.

I supported this amendment because I believe that the Declaration and the amendment, properly reaffirm the commitment of the United States and of all WTO members to the need to maintain strong global standards for intellectual property protection while underscoring that measure necessary to meet genuine public health emergencies in poor countries can and must be pursued within the TRIPS framework. Solving the problem of access to HIV/AIDS medicines lies in overcoming economic and social barriers to distribution and effective treatment. Undermining intellectual property protection is not part of the solution and will, indeed, only aggravate an already progress towards better treatment and, ultimately, a cure. Indeed as was documented in the October 17, 2001 issue of the Journal of the American Medical Association, in the sub-Saharan countries ravaged by AIDS there are very few if any patents on the books for HIV/AIDS medicines. The authors of this exhaustive study concluded that ''[T]he data suggest that patents in Africa have generally not been a factor in either pharmaceutical economics or antiretroviral drug treatment access.''

If I thought that this amendment's intenent was to contribute to the campaign to distort the meaning of the Doha Declaration and erode essential TRIPS protections, I would have opposed it. However, I have been assured that this was not the sponsors' intent, nor the effect of its terms, and I therefore support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 5, 1994 in Seattle, WA. A gay couple was physically assaulted by a group of people shouting anti-gay slurs. Two of the attackers, Candice Underwood and Steven Lee, were charged with malicious harassment in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

HONORING LIEUTENANT COMMANDER WILLIAM MUSCHA

● Mr. DORGAN. Mr. President, almost 20 years ago I had the good fortune of selecting Bill Muscha, a boy from Fargo, ND, as my nominee for the Naval Academy. He had been a member of his high school ROTC, a newspaper carrier, a Merit Scholar, an altar boy, a violinist, an Eagle Scout, a Sunday schoolteacher, a good kid. He was bright, well mannered, disciplined, dedicated to his career choice. I was pleased at the caliber of this youth and proud to be able to send him to Annapolis.

Now, many years later, I have the painful duty of announcing to my colleagues here in the U.S. Senate, that Lieutenant Commander William Muscha has been killed in the line of duty. He was aboard a Navy Saberliner jet, out of the Pensacola Naval Air Station, which went down in the Gulf of Mexico on May 10.

As my colleagues understand so well, one of the great joys of serving in the Congress is being able to appoint young men and women to the Nation's military academies. Inevitably, these are the best and brightest, star scholars, skilled athletes, shining patriots, engaging youngsters who are unusually mature, who already know what they want to do with their lives. When they are selected, their families are exuberant, their schools celebrate, and their hometowns swell with pride, and the students thank us warmly for the great favor we have bestowed on them.

But the truth is that these youngsters are the ones that the Members of Congress should be thanking. Senators don't need any plaudits for doing their job. The tributes always ought go instead to these wonderful teenagers who volunteer to serve their Nation in positions that are difficult, challenging, and dangerous. America is extraordinarily fortunate to have these kids step forward every year and pledge to defend their homeland.

Commander Muscha is a proud symbol of this Nation's tradition of citizen soldiers, the youngsters who come out of our high schools and neighborhoods, and pledge their lives to defend us. His sudden death is a sobering reminder of the hazards of military life. The perils of that career, dangers which led to the unhappy loss of Commander Muscha, are one reason why the men and women of the Armed Services are so respected by the American people. As their representative, I am both humbled and honored to stand here today, and salute this North Dakota patriot, and to send the Nation's sympathies to his grieving family.

He leaves his wife, Tamara, and their six children, Kara, Riley, Andrew, Molly, Zachary, and Emily: his parents, Robert and Carol Muscha; a sister, Major Diane Jones, and her husband, Scott; and the American Nation.●

HONORING BRIGID DEVRIES

● Mr. BUNNING. Mr. President, I rise today to congratulate and honor Brigid DeVries of Lexington, Kentucky, for being named the sixth commissioner of the Kentucky High School Athletic Association. Brigid DeVries, an assistant commissioner with the KHSAA for the past 23 years, is the first female head of the KHSAA and one of only four women across the entire United States to serve as commissioner or executive director of a state athletics association.

Ms. DeVries, a Lexington native, attended the University of Kentucky and graduated with a bachelor's degree in Health, Physical Education and Recreation in 1971. After graduating from UK, Ms. DeVries became a physical education teacher at Nicholas County Elementary School. Her next position took her out of Kentucky to the state of Ohio, where she served as the women's swimming and diving and track and field coach at Ohio University. After three years at Ohio University, Ms. DeVries returned to her alma mater, where she took over as men's and women's diving coach from 1980–1990. In 1979, she was hired as assistant commissioner of the KHSAA, and in 1994 was named executive assistant commissioner. Among other duties, she has directed the organization's gender-equity program, conducted eligibility investigations and assisted in management of the state football and basketball championships.

Ms. DeVries has the experience, education and intensity to fill this position without fear, hesitation, or reluctance. She has been a teacher, coach and administrator for many years now and certainly is qualified to lead the KHSAA for many years to come. I wish her the best of luck throughout her tenure as commissioner and look forward to charting her success.●

TRIBUTE TO MAJOR GENERAL NANCY R. ADAMS

● Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true heroine in the Department of Defense who has honorably served

our country for over 34 years: Major General Nancy R. Adams, United States Army Nurse Corps. Major General Adams has had a brilliant career in the military. She quickly rose through the Army ranks as a medical-surgical nurse totally dedicated to caring for people. Her leadership abilities and talents were quickly recognized, and her performance in a variety of roles was exemplary. Her exceptional career includes many prestigious assignments, such as: Chief of the Army Nurse Corps, Commanding General of the Center of the U.S. Army Center for Health Promotion and Preventive Medicine, Commanding General of William Beaumont Army Medical Center and the Southwest Regional Medical Command, and culminated with her assignment as Commanding General of Tripler Army Medical Center and the Pacific Regional Medical Command.

Major General Adams initiated numerous changes that have improved the delivery of health care to our men and women in uniform and their families, and she has led the fight to improve business practices in the Department of Defense. She has played a key role in the delivery of care to our deserving veterans, always emphasizing the need for an integrated system that puts patients' needs first. Such perseverance and commitment to the health of this Nation has garnered her numerous accolades not only from military and civilian health care organizations but from academic institutions as well. She has been a champion for women's rights in the military and holds the distinction of being the senior ranking women on active duty at this time in the United States Army. Major General Adams has fostered the proud and cherished traditions of the military with her unselfish service. Her performance reflects greatly on herself, the United States Army Medical Command, the United States Army, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful Nation for her dedicated service. Congratulations, Major General Nancy Adams. I wish you Godspeed.●

IN MEMORY OF BERNICE BROWN

● Mrs. BOXER. Mr. President, I ask my colleagues today to reflect on the rich life and legacy of Bernice Layne Brown. Mrs. Brown was the matriarch of a remarkable California family, one that has had a profound and positive effect on my State for the past 60 years.

Bernice Brown was the wife of the late Governor of California Pat Brown, and mother of another former Governor, Oakland Mayor Jerry Brown; as well as mother to former California State Treasurer Kathleen Brown; Cynthia Brown Kelly and Barbara Casey Siggins.

A true treasure to the Brown family and to all Californians, Bernice Brown, at the age of 93, died of natural causes on May 8, 2002 at her home in Beverly Hills. Mrs. Brown was the daughter of San Francisco Police Captain Arthur Layne. In her high school years, she met Pat Brown, and eloped with him in 1930 after making her living as a teacher. They were married for an impressive 65 years.

During the beginning of her husband's political career, she focused her time on raising their children. Although liking to avoid the spotlight, she was a wonderful asset to her family's campaigns and political careers and represented her family with dignity, respect and grace. While famous for her elegance and decorum, she was also an experienced campaigner who never shied away from giving frank advice to the various members of her political brood.

Bernice Brown will be missed not only by her loving family, but by the people of California, who grew to respect her quiet ways in the fray of politics. California has lost a remarkable matriarch, and we will never forget the legacy she has left us.●

CONGRATULATIONS TO GERALD K. OLSON

● Mr. DORGAN. Mr. President, I rise today to congratulate Gerald K. Olson on becoming the new Chairman of the American Association of Airport Executives.

One of the most rewarding aspects of being a United States Senator is that I frequently have the opportunity to meet wonderful people who were born and raised in North Dakota and are making a difference in people's lives through their chosen profession. Although he may no longer reside in our great State, Jerry Olson is one of those individuals that North Dakotans are proud to call one of their own.

Jerry grew up on a farm eight miles southwest of Minot where his parents still live and he graduated from the University of North Dakota in 1982. Although the aviation department started out with just two small aircraft and two faculty members, what is now known as the John D. Odegard School of Aerospace Sciences has evolved into one of the great aerospace programs in the country.

It should not surprise anyone that Jerry Olson had a hand in shaping that successful program when he was a student in Grand Forks and when he later managed airports in Williston, ND and Cheyenne, WY. During his entire professional career, Jerry has been a strong advocate for continuing education and has spent a great deal of his time helping and nurturing students studying airport administration at the University of North Dakota.

For approximately twenty years, Jerry has also worked hard to improve air service for those who live in small communities in North Dakota, Wyoming and around the country. People in rural areas who are fighting for better access to the commercial aviation system have no better advocate than Jerry Olson. And despite all the contributions he has made to aviation over the years, I suspect Jerry's most proud of the fact that he is a dedicated husband and father.

I know I speak on behalf of all North Dakotans when I thank Gerald K. Olson for his service and congratulate him on becoming the new chairman of the American Association of Airport Executives.●

TRIBUTE TO DR. FAYE GLENN ABDELLAH

● Mr. INOUYE. Mr. President, I rise to pay tribute to Dr. Faye Glenn Abdellah, who is about to retire after 49 years of service to the Federal Government and the Nation. Dr. Abdellah is currently serving as the Founding Dean of the Graduate School of Nursing, GSN, Uniformed Services University of the Health Sciences, USUHS. It does not seem so long ago that the United States Senate recognized Dr. Abdellah's induction into the National Women's Hall of Fame in October of 2000 for a lifetime spent establishing and leading essential health care programs for our country.

I have had the privilege of knowing Dr. Abdellah for many years, and I would be remiss if I were to focus only on the last nine years of Dr. Abdellah's service as Dean of the GSN. Dr. Abdellah is a nurse, and educator, a researcher, and an internationally recognized leader in nursing. As the first nurse to hold the rank of Rear Admiral, Upper Half, and the title of Deputy Surgeon General of the United States, her incredible leadership abilities have resulted in many truly remarkable accomplishments. Her numerous achievements include: the development of the first tested coronary care unit, which saved thousands of lives, the authorship or co-authorship, of more than 152 publications, some of which have been translated into six languages and which have altered nursing theory and practice, and the receipt of almost 90 professional and academic honors and eleven honorary degrees, all recognizing her innovative work in nursing research and health care. She has the unique honor of being elected as a Charter Fellow of the American Academy of Nursing where she later served as the Academy's Vice President and President.

Dr. Abdellah was also the recipient of the prestigious Allied Signal Award in 1989 and the Institute of Medicine's Gustav O. Lienhard Award in 1992. In 1994, the American Academy of Nursing presented her with ''The Living Legend'' Award; in 1999, she was elected to the Hall of Fame for Distinguished Graduates and Scholars at Columbia University. On April 30, 2001, she received the ''Breaking Ground in Women's Health Award'' in Chicago, IL. Her military awards include: the Surgeon General's Medallion and Medal, two United States Public Health Service

Distinguished Service Medals; the USUHS Distinguished Service and Meritorious Service Medals, the Secretary of the Department of Health Education and Welfare Distinguished Service Award, and two Founders Medals from the Association of Military Surgeons of the United States. Dr. Abdellah is renowned as an expert in health policies related to long-term care, mental retardation, the developmentally disabled, aging, hospice, and AIDS; her pioneering contributions have substantially and lastingly improved our Nation's health.

In 1993, the Congress directed the initiation of a demonstration program for the preparation of family nurse practitioners to meet the needs of the uniformed services. Of course, the individual who stepped forward to assist the USUHS President, James A. Zimble, M.D., Vice Admiral, Retired, was Dr. Abdellah. In the short time since its establishment, the USUHS Graduate School of Nursing has: recruited and retained a qualified faculty, successfully established curricula for two programs, identified accredited clinical practice sites and completed memoranda of understanding with 19 military treatment facilities, submitted self-studies and received full accreditation for the two GSN programs from three professional accrediting entities, received formal approval and permanent status on February 26, 1996, from Health Affairs, Office of the Secretary of Defense, initiated, implemented, and continuously reviewed the outcomes evaluation process for both academic programs, and has awarded 157 Masters of Science in Nursing Degrees to advanced practice nurse graduates through the Nurse Practitioner and Certified Registered Nurse Anesthesia Programs. All GSN graduates have passed their certification examinations, and 97 percent, of 152, of the GSN graduates remain on active duty.

One of the most successful and innovative programs between the Departments of Defense and Veterans Affairs is the Distance Learning Program established at the USUHS GSN. In 1999, the collaborative efforts of Dr. Abdellah with the Department of Veterans Affairs, VA, in the area of distance learning successfully demonstrated a cost-effective form of advanced education where nursing students can receive advanced training in critically-required specialty areas while maintaining their current positions at the VA medical centers. Twenty-six students, through a ''virtual commencement exercise,'' graduated from the VA/DoD Distance Learning Program on May 18, 1999. The virtual graduation was broadcast from USUHS and linked with eight VA Medical Centers located across the United States, and all graduates were eligible to sit for the American Nurses Association Credentialing Examination for Adult Nurse Practitioners. This graduation marked the first virtual advanced-level graduation for either the VA or DoD. A second class, with students located in ten VA Medical Centers, graduated in May of 2001, for a total of 60 distance learning graduates. A third class is ongoing. The exerpience gained by both the GSN and the VA will allow future projects in distance learning to benefit from the lessons learned and the technologies tested during the twenty-month program.

I believe that the recent grant of full accreditation by the National League for Nursing Accrediting Commission, NLNAC, sums up Dr. Abdellah's successful leadership at the USUHS GSN. The accrediting commission pointed out in its summary findings to the University that the mission and philosophy of the USUHS GSN is grounded in the University's mission and in the mission of the Uniformed Services. The GSN curriculum is designed to be specific to the unique mission of military service nurses: to serve in times of war and peace. The GSN students expressed a clear understanding that the program keeps them connected to their mission and prepares them to function immediately after completing the program. The GSN is successfully preparing unique advanced practice nurses to deliver care for the Uniformed Services during disaster relief and humanitarian interventions and, by doing so, ensures military readiness.

As my friend Dr. Abdellah reaches the conclusion of her second career of service to our Nation, I take this opportunity to say, without reservation, thank you for all that you have done and will continue to do for our great nation. You may be assured that the Congress, the United States Public Health Service, the Department of Defense, and the Uniformed Services University of the Health Sciences take great pride in all of your accomplishments. Thank you for another job well done and for your tremendous dedication and love for our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of the national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2001.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2002*.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2002*.

MESSAGE FROM THE HOUSE

At 5:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3295) to establish a program to provide funds to States to replace

punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administrations and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and unites of local government with responsibility for the administration of Federal elections, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members to be the managers of the conference on the part of the House:

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. NEY, Mr. EHLERS, Mr. DOOLITTLE, Mr. REYNOLDS, Mr. HOYER, Mr. FATTAH, and Mr. DAVIS of Florida.

From the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill, and section 404 of the Senate amendments, and modifications committed to conference: Mr. STUMP, Mr. MCHUGH, and Mr. SKELTON.

From the Committee on the Judiciary, for consideration of sections 216, 221, and title IV sections 502, and 503 of the House bill, and sections 101, 102, 104, subtitles A, B, and C of title II, sections 311, 501, and 502 of the Senate amendments, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CHABOT, and Mr. CONYERS.

From the Committee on Science for consideration of sections 221–5, 241–3, 251–3, and 261 of the House bill, and section 101 of the Senate amendments, and modifications committed to conference: Mr. BOEHLERT, Mrs. MORELLA, and Mr. BARCIA.

That Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. BARCIA for consideration of sections 251–3 of the House bill, and modifications committed to conference.

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference: Mr. THOMAS, Mr. SHAW, and Mr. RANGEL.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4737. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4737. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

The Committee on Indian Affairs was discharged from the further consideration of the following title; which was referred to the Committee on Energy and Natural Resources:

S. 934. A bill to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribes to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes.

The following measure, having been reported from the Committee on the Judiciary, was referred to the Committee on Finance:

S. 848. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 4546. To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7074. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Significant Issues Raised in Finalizing Proposed Guidance on Changes in Annual Accounting Period'' (Ann. 2002–53) received on May 13, 2002; to the Committee on Finance.

EC–7075. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Under Secretary for Enforcement, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7076. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role, a nomination, and a nomination confirmed for the position of Commissioner of Customs, Customs Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7077. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Commissioner of Customs, Customs Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7078. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant General Counsel (Treasury)/Chief Counsel, Internal Revenue Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7079. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination withdrawn for the position of Assistant General Counsel (Treasury)/Chief Counsel, Internal Revenue Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7080. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary (Financial Markets), Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7081. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary (Public Affairs), Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7082. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Treasurer of the United States, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7083. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Under Secretary for Domestic Finance, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7084. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7085. A communication from the Senior Attorney Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules and Procedures for Efficient Federal-State Funds Transfer'' (31 CFR Part 205) received on May 10, 2002; to the Committee on Finance.

EC–7086. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Automatic Approval of Accounting Period Changes by Flowthrough Entities'' (Rev. Proc. 2002–38) received on May 13, 2002; to the Committee on Finance.

EC–7087. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Prior Approval of Adoption, Change, or Retention of and Annual Accounting Period'' (Rev. Proc. 2002–39) received on May 13, 2002; to the Committee on Finance.

EC–7088. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Automatic Approval of Annual Accounting Period Changes by Corporations'' (Rev. Proc. 2002–37) received on May 13, 2002; to the Committee on Finance.

EC–7089. A communication from the Executive Director, The District of Columbia Retirement Board, transmitting, pursuant to law, the report of financial disclosure statements for calendar year 2001; to the Committee on Governmental Affairs.

EC–7090. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Annual Report on the National Oceanographic Partnership Program for Fiscal Year 2002; to the Committee on Armed Services.

EC–7091. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 2001 through March 31, 2002; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–243. A engrossed resolution adopted by the Assembly of the State of Wisconsin relative to the authorization of funding for modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System; to the Committee on Environment and Public Works.

2001 ASSEMBLY RESOLUTION 56

Whereas, the state of Wisconsin borders or contains over 360 miles of the upper Mississippi River and 11 navigation locks and dams along those borders; and

Whereas, many of Wisconsin's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

Whereas, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300,000,000 tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, more than 60% of American agricultural exports, including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

Whereas, Wisconsin farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

Whereas, the upper Mississippi and Illinois rivers lock and dam system saves our nation more than $1.5 billion in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

Whereaas, according to the U.S. Army Corps of Engineers, congestion along the upper Mississippi and Illinois rivers is costing Wisconsin and other producers and consumers in the basin $98,000,000 per year in higher transportation costs; and

Whereas, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35% to 60% fewer pollutants than either trucks or trains, according to the U.S. Environmental Protection Agency; and

Whereas, moving away from river transport would add millions of trucks and railcars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

Whereas, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

Whereas, the lakes and 500 miles of wildlife refuge also support a one-billion-dollar per year recreational industry, including hunting, fishing, and tourism jobs; and

Whereas, upgrading the system of locks and dams on the upper Mississippi and Illinois rivers will provide 3,000 construction and related jobs over a 15-year to 20-year period; and

Whereas, in 1999 the state of Wisconsin shipped 1,100,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products; and

Whereas, 3,900,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products, were shipped to, from, and within Wisconsin by barge, representing $313,000,000 in value; and

Whereas, shippers moving by barge in Wisconsin realized a savings of approximately $40,000,000 compared to other transportation modes; and

Whereas, Wisconsin docks shipped products by barge to 6 states and received products from 11 states; and

Whereas, there are approximately 20 manufacturing facilities, terminals, and docks on the waterways of Wisconsin, representing thousand of jobs in the state; and

Whereas, the U.S. Army Corps of Engineers is conducting a collaborative navigation study of the economic and environmental factors to be considered when examining capital improvements to the upper Mississippi River system; and

Whereas, the navigation study will release initial results in a summer 2002 report; now, therefore,

Resolved by the assembly, That the Wisconsin assembly formally recognizes the upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits; and, be it further

Resolved, That the Wisconsin assembly recognizes the importance of timely modernization of the inland waterway transportation infrastructure to Wisconsin agriculture and industry in this state, the region, and the nation and, pending results of the navigation study, urges Congress to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois river system; and, be it further

Resolved, That the assembly chief clerk shall transmit copies of this resolution to the president and secretary of the U.S. senate, the speaker and clerk of the U.S. house of representatives, the chair of the senate committee on commerce, science, and transportation, the chair of the house committee on transportation and infrastructure, and the members of the congressional delegation from this state.

POM–244. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Death Tax; to the Committee on Finance.

SENATE RESOLUTION NO. 195

Whereas, Under tax relief legislation passed in 2001, the federal death tax was temporarily—not permanently—eliminated; and

Whereas, Women and minorities are very often owners of small and medium sized businesses, and the death tax prevents their children from reaping the rewards of a lifetime trying to make a better life; and

Whereas, Farmers will face losing their farms if the federal government resumes the heavy taxation of the estates of people who invested most of their earnings back into their farms; and

Whereas, Employees suffer when they lose their jobs because many small and medium sized businesses are liquidated to pay death taxes and because high capital costs depress the number of new businesses that could offer them a job; and

Whereas, If the federal estate tax had been repealed in 1996, over the next nine years the United States economy would have averaged as much as $11 billion per year in extra output, and an average of 145,000 new jobs would have been created; and

Whereas, the persistent uncertainty created by the sunset provision prevents families and small businesses from taking full advantage of the repeal; and

Whereas, Having passed both houses of the Congress of the United States, elimination of the death tax has proven to hold widespread bipartisan support; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to repeal permanently the federal death tax; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–245. A resolution adopted by the Board of Commissioners of Warren County, Georgia relative to a U.S. Postal stamp honoring the late Senator Tom Watson; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1209: A bill to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes..

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 268: A resolution designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 672: A bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, and for other purposes.

S. 848: A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2179: A bill to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Christopher C. Conner, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Joy Flowers Conti, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

John E. Jones III, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2530. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 271. A resolution expressing the sense of the Senate regarding the effectiveness of the AMBER plan in responding to child abductions; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 318

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 326

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 454

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 672

At the request of Mr. LEAHY, his name and the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1140

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1383

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1383, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1549, a bill to provide for increasing the

technically trained workforce in the United States.

S. 1554

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1554, a bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts.

S. 1572

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1686

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1839

At the request of Mrs. CLINTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2210

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. THOMAS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2428

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2440

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2440, a bill to designate the Department of Veterans Affairs medical and regional office center in Wichita, Kansas, as the ''Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center''.

S. 2458

At the request of Mrs. HUTCHISON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 2489

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2489, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 2525

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2525, a bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 258, a resolution urging Saudi Arabia to dissolve its ''martyrs'' fund and to refuse to support terrorism in any way.

S. RES. 267

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 267, a resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission.

S. RES. 270

At the request of Mr. CAMPBELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as ''National Cystic Fibrosis Awareness Week.''

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Ms. CANTWELL), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 107

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Con. Res. 107, a concurrent

resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association ''Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment,'' as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This ''by-request'' bill contains four sections, which amend existing sections or provisions of title 38. The first section would expand the Secretary of Veterans Affairs' authority to pay plot and interment allowances to State veterans cemeteries for all eligible peacetime veterans. Currently, the Secretary can only provide a plot allowance if the veteran served during wartime, was discharged for a service-connected disability, was receiving VA disability compensation or pension, or died in a VA facility. This amendment would facilitate States' participation in VA's State Cemeteries Grant Program, SCGP. Under the SCGP, VA pays for the construction of the cemetery, but the States bear the future maintenance costs. This provision would allow States to receive allowances for approximately 1,200 additional interments annually.

The second section of this bill would authorize the Secretary of Veterans Affairs to lease the undeveloped land and unused or underused buildings of the National Cemetery System and retain the proceeds from these leases, as well as agricultural licenses. The National Cemetery Administration, NCA, is endowed with thousands of acres of land, some of which is unused because it is not suitable for NCA development or has not yet been developed for NCA use. Currently, the NCA is authorized to issue limited-term agricultural licenses for these lands, and all profits must be deposited with the U.S. Treasury. However, some NCA land would be suitable for other purposes. This provision is meant to provide the Secretary with greater flexibility in using NCA lands to generate revenues, while allowing the NCA to become more self-sufficient by keeping profits within the administration.

The third section of this bill would modify amendments made by the Veterans' Claims Assistance Act of 2000, VCAA, which imposed a 1-year time limit for veterans to submit evidence—such as medical records—necessary to substantiate their claims for benefits. Prior to the enactment of the VCAA, a 1-year time limitation was imposed on information—such as complete contact information—necessary to complete a veteran's application for benefits. This provision was not included in the VCAA. The Secretary asserts that this requires VA to keep claims open indefinitely if they lack information for the application, while not allowing VA to make a payment on a claim that required the veteran to submit evidence to substantiate it, even if the claim could be granted on other grounds. This provision would reinstate the original time limitation on information for applications and rescind the current limitation on evidence to substantiate.

Section four of this bill would eliminate the reporting requirement on certain advance planning projects. Currently, VA cannot obligate more than $500,000 from its advance planning fund without submitting a report on the proposed obligation to both committees of Congress. However, VA argues that such reports are redundant for projects that have already been authorized by Congress, creating unnecessary and untimely delays. Accordingly, VA proposes that Congress eliminate this reporting requirement for already authorized projects.

Again, Mr. President, I submit this for the review and consideration of my colleagues at the request of the administration.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 2526

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Programs Amendments Act of 2002''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. BURIAL PLOT ALLOWANCE.

(a) IN GENERAL.—Section 2303(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war'' and inserting ''burial in a national cemetery under section 2402 of this title''; and

(2) in paragraph (2) by striking ''(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)'' and inserting ''is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran''.

(b) APPLICABILITY.—The amendments made by section 2(a) shall apply with respect to the burial of persons dying on or after the date of enactment of this Act.

SEC. 3. LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end thereof the following new section:

§ 2412. Lease of land and buildings; retention of proceeds.

''(a) The Secretary may lease for a term not exceeding 3 years undeveloped land and unused or underutilized buildings, or parts or parcels thereof, belonging to the United States and part of the National Cemetery System established by section 2400 of this title. Any lease made to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection or restoration by the lessee as a part or all of the consideration for the lease. Prior to execution of any such lease, the Secretary shall give appropriate public notice of the Secretary's intention to do so in the newspaper of the community in which the lands or buildings are located.

''(b) Notwithstanding any other provision of law, proceeds from the lease of National Cemetery land or buildings and from agricultural licenses shall be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.''.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 24 is amended by adding at the end thereof the following new item:

''2412. Lease of land and buildings; retention of proceeds.''.

SEC. 4. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5102 is amended by adding at the end thereof the following new subsection:

''(c) TIME LIMITATION.—(1) If information that claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 5103 is amended—

(1) by striking ''(a) REQUIRED INFORMATION AND EVIDENCE.—'' ; and

(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 5. MODIFICATION OF LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.

Section 8104 is amended by adding at the end thereof the following new subsection:

''(g) Subsection (f) shall not apply with respect to the obligation of funds for a project if the project is specifically authorized by law prior to the obligation of funds.''.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am transmitting a draft bill, the ''Veterans' Programs Amendments Act of 2002''. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

BURIAL PLOT ALLOWANCE

Section 2(a) of the draft bill would amend 38 U.S.C. §2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors.

Under current section 2303(b)(1), the Secretary of Veterans Affairs is authorized to pay to a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving Department of Veterans Affairs (VA) compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

This amendment would encourage state participation in the State Cemetery Grants Program (SCGP). In 1978, Congress established the SCGP to complement VA's national cemetery system by assisting states in providing burial plots for veterans in areas where existing national cemeteries cannot satisfy veterans' burial needs. State officials have indicated to VA that they consider future maintenance costs when deciding whether to pursue a state cemetery grant. To the extent that the amendment would help defray those maintenance costs and encourage states to establish veterans' cemeteries, it would make the benefit of burial in such a cemetery an accessible option for more veterans.

This amendment would allow states to receive plot allowance payments for approximately 1,200 additional interments annually. The costs associated with the enactment of this provision would be $360,000 for fiscal year (FY) 2003 and $3.6 million for the ten-year period from FY 2003 through FY 2012.

LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS

Section 3(a) of the bill would authorize the Secretary of Veterans Affairs to lease undeveloped acreage and unused and underutilized buildings of the National Cemetery System and to retain the proceeds from leases or agricultural licenses.

Land is the primary asset entrusted to the National Cemetery Administration (NCA), which currently maintains approximately 14,650 acres. Land dedicated for burial purposes is developed in ten-year increments using a ''just-in-time'' approach that carefully monitors depletion of gravesites, projected burial requirements and estimated timing for new construction activities. Additionally, certain sections of many national cemeteries are unsuitable for development into burial sections due to the presence of wetlands, rock outcroppings or sloped terrain. Acreage that is unsuitable for burial purposes and land not yet needed for development represents a significant underutilized asset.

Amending existing law to authorize NCA to enter into lease agreements would provide NCA with more flexibility in finding current uses for land that otherwise would remain idle until it was needed for development. It also would permit buildings that are currently not in use to be leased and by so doing, to be maintained by the lessee. This authority is similar to the lease authority given to the Veterans Health Administration (VHA).

NCA already has authority to execute limited-term agricultural licenses and has done so at certain national cemeteries. The license permits grazing, sod farming or planting rotational crops on unused acreage. These activities directly benefit the cemetery by keeping the land cleared, attractive and well maintained. However, receipts for the use of this land must be deposited with the U.S. Treasury. Additionally, NCA has historic lodges and other buildings that could generate revenue for the cemetery if NCA were able to retain the proceeds from leases.

The receipts retained by NCA would assist in maintaining national cemeteries. The money would be deposited in the National Cemetery Administration account to be used for grounds maintenance, e.g., mowing, trimming, and fertilizing, as well as building maintenance. The additional funds will help to maintain national cemeteries as shrines dedicated to our Nation's history, nurturing patriotism and honoring the service and sacrifice veterans have made on behalf of the United States.

We estimate that section 3 of the bill would generate annual proceeds of approximately $100,000.

TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION

Section 4(a) and (b) of the draft bill would make a technical correction to the statutory provisions created by the Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106–475, 114 Stat. 2096. Section 4(c) would make that correction effective as if enacted immediately after the VCAA.

Prior Law

Before the enactment of the VCAA, 38 U.S.C. §5103(a) required VA, if a claimant's application for benefits was incomplete, to notify the claimant of the evidence necessary to complete the application. Section 5103(a) further provided: ''If such evidence is not received within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.''

In accordance with former section 5103(a), VA regulations provide that, if evidence requested in connection with a claim is not furnished within one year after the date of request, the claim will be considered abandoned. After the expiration of one year, VA will take no further action unless it receives a new claim. Furthermore, should the right to benefits be finally established, benefits based on such evidence would commence no earlier than the date the new claim was filed. 38 C.F.R. §3.158(a).

Before the enactment of the VCAA, title 38, United States Code, contained no provision requiring VA to notify a claimant of the evidence necessary to substantiate a claim.

Current Law

Section 3(a) of the VCAA struck former 38 U.S.C. §§5102 and 5103 and added new sections 5102 and 5103. 114 Stat. at 2096–97. Now section 5102(b) requires VA, if a claimant's application for a benefit is incomplete, to notify the claimant (and his or her representative, if any) of the information necessary to complete the application. Section 5102 contains no provision concerning a time limitation for the submission of information necessary to complete an application.

Now section 5103(a) requires VA, upon receipt of a complete or substantially complete application for benefits, to notify the claimant (and his or her representative, if any) of any information and evidence not previously provided to VA that is necessary to substantiate the claim. Furthermore, that notice must indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, VA will attempt to obtain on the claimant's behalf. Section 5103(b)(1) provides, in the case of information or evidence that the claimant is notified is to be provided by him or her, if VA does not receive such information or evidence within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

Implications

As a result of the amendments made by the VCAA, the statutory provision imposing a one-year limitation now relates to the substantiation of claims rather than to the completion of applications. We do not believe Congress intended this change from prior law. This change raises several potential problems.

Without a statutory limitation of one year to complete an application, VA no longer has a statutory basis for closing an application as abandoned. Thus, if a claimant were to submit an incomplete application for benefits, but not respond to VA's notice of the information necessary to complete it until many years later, the award of any benefit granted on the basis of that application would have to be effective from the date of the application, even though the claimant took no action to complete it for many years. Further, it appears that VA would be unauthorized to close or deny the claim based on the claimant's failure to respond. We do not believe Congress intended this result. Rather, we believe that the former one-year statutory limitation on the time available to complete an application should be restored.

The statutory limitation of one year to substantiate a claim also raises potential problems. One such problem is the possibility that courts will interpret the provision to preclude VA from deciding a claim until one year has expired from the date VA gives notice of the information and evidence necessary to substantiate the claim. Exactly that interpretation has been offered by several veterans' service organizations challenging VA's regulations implementing the VCAA. Under those regulations, as part of VA's notice under section 5103(a), VA will request the claimant to provide any evidence in the claimant's possession that pertains to the claim. We ask for the evidence within 30 days, but tell the claimant that one year is available to respond. If the claimant has not responded to the request within 30 days, VA may decide the claim before expiration of the one year, based on all the information and evidence contained in the file, including information and evidence it has obtained on the claimant's behalf. However, VA will have to readjudicate the claim if the claimant subsequently provides the information and evidence within one year of the date of the request. 38 C.F.R. §3.159(b)(1).

VA issued those rules ''to allow for the timely processing of claims.'' 66 Fed. Reg. 17,834, 17,835 (2001). Once an application had been substantially completed, VA does not want to have to wait one year to decide the claim, given the large backlog of claims awaiting adjudication by VA and the Secretary's commitment to reducing the backlog and shortening the time VA takes to adjudicate claims. What VA considers to be Congress' inadvertent moving of the one–year limitation from the provision relating to completion of applications to the provision relating to the substantiation of claims could impede VA's efforts to improve service to veterans. VA doubts that Congress intended to require VA, after requesting evidence from a claimant, to keep the claim open and pending for a full year if the claimant has not yet responded.

Furthermore, section 5103(b)(1)'s clear and unambiguous language appears to prohibit the payment of benefits even though VA could allow a claim. For example, VA might be able to allow a claim on the basis of evidence VA obtained on the claimant's behalf, even though the claimant has not provided the evidence requested of him or her. Or VA might find clear and unmistakable error in a prior denial and need to grant benefits on the claim that was erroneously denied. Yet section 5103(b)(1) prohibits the payment or furnishing of any benefit if VA does not receive within one year the information or evidence the claimant is to provide according to VA's notice. Surely, Congress did not intend such a result.

Finally, some of VA's pro-veteran regulations will have to be changed unless the one–year time limitation is removed from section 5103. For example, 38 C.F.R. §20.1304(a) permits an appellant to submit additional evidence during the 90 days following notice that an appeal has been certified to the Board of Veterans' Appeals and the appellate record has been transferred to the Board. That 90–day period may extend beyond the one–year period following notice of the information and evidence necessary to substantiate the claim given under section 5103(a), in which case it would conflict with the statutory mandate that ''no benefit may be paid or furnished by reason of the claimant's application'' if VA does not receive the evidence within one year from the date of the section 5103(a) notice. Another potentially conflicting regulation is 38 C.F.R. §3.156(b), which deems new and material evidence received before expiration of the one-year appeal period (beginning when notice of the decision on a claim is sent) or before an appellate decision is made if a timely appeal is filed to have been filed in connection with the claim pending at the beginning of the appeal period. Because the one–year appeal period necessarily extends beyond the one-year substantiation period, the regulation authorizes the grant of benefits based on evidence not timely received under section 5103(b), contrary to the statutory mandate.

Accordingly, we propose a technical amendment to sections 5102 and 5103 that would prevent these problems. Our draft bill would restore the one-year limitation to section 5102 and remove it from section 5103. It would make these technical amendments effective as if enacted immediately after the VCAA.

LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING

Section 5 of the bill would eliminate the limitation on certain obligations for advance planning.

Section 8104(f) of title 38, United States Code, currently provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advance Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation, and a period of 30 days has passed after the date the committees have received the report.

The reporting requirement was established to ensure that the VA committees were knowledgeable of VA project development activities. At present, these committees participate in the authorization process and, as a result, are knowledgeable of the projects that have already been authorized by Congress. However, because the reporting requirement still applies to projects that have already been authorized by Congress, the Secretary is precluded from funding these projects until after a report is submitted to the committees and the 30–day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress.

The proposed legislation would eliminate the limitation only for those projects that have already been authorized by Congress in accordance with 38 U.S.C. §8104(2). Consequently, the elimination of this limitation would remove the duplication of effort on the part of VA and Congress.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress.

Sincerely yours,

ANTHONY J. PRINCIPI.

Enclosure.

SECTION-BY-SECTION ANALYSIS

DRAFT BILL: ''VETERANS' PROGRAMS AMENDMENTS ACT OF 2002''

Section 1. Short Title; References to Title 38, United States Code

Section 1(a) would state the short title to the Act: the Veterans' Programs Amendments Act of 2002. Section 1(b) would provide that all amendments made by the Act, unless otherwise specified, are to a section or other provision of title 38, United States Code.

Section 2. Burial Plot Allowance

Section 2(a) would amend 38 U.S.C. 2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors. Currently, section 2303(b)(1) authorizes VA to pay a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving VA compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

Section 2(b) would make the amendments made by subsection (a) applicable to burial of persons dying on or after the date of the Act's enactment.

Section 3. Lease of Land and Buildings; Retention of Proceeds

Section 3(a) would add to Chapter 24 of title 38, United States Code, new section 2412. Section 2412(a) would authorize the Secretary of Veterans Affairs to lease, for a term not to exceed 3 years, undeveloped land and unused or underutilized buildings, or parts or parcels thereof, of the National Cemetery System. This authority would mirror the Secretary's authority in section 8122 of title 38, to lease land or buildings at a VA medical facility. A lease made to a public or nonprofit organization can be made without regard to the advertising requirements of section 5 of title 41, United States Code, and it can provide for the public or nonprofit to maintain, protect or restore the property in lieu of monetary consideration. Section 2421(b) would authorize the proceeds generated by the lease or the proceeds received from an agricultural license to be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.

Section 3(b) would add to the table of contents at the beginning of chapter 24 a new item to reflect the addition of section 2412.

Section 4. Time Limitation on Receipt of Claim Information Pursuant to Request by Department of Veterans Affairs

Section 4(a) and (b) would remove a time limitation from 38 U.S.C. §5103 and restore it to 38 U.S.C. §5102. The provision, currently in section 5103(b), prohibits VA from paying or furnishing any benefit by reason of an application if VA has not received certain information and evidence within one year of notifying the claimant that the information and evidence is necessary to substantiate the claim and that the claimant is to provide them. If moved to section 5102, the provision would prohibit VA from paying or furnishing any benefit by reason of an application if VA has not received certain information within one year of notifying the claimant that the information is necessary to complete the application.

Section 4(c) would make the amendments made by subsections (a) and (b) effective as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000, Pub. L. No. 106–475, 114 Stat. 2096.

Section 5. Modification of Limitation on Obligations for Advanced Planning

Section 5 would add to the end of section 8104 of title 38, United States Code, a new subsection (g) eliminating a limitation on the obligation of funds from the Advance Planning Fund for certain projects. At present, 38 U.S.C. §8104(f) provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advanced Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation and a period of 30 days has passed after the date the committees have received the report. The reporting requirement applies to projects that have already been authorized by Congress, and the Secretary is therefore precluded from funding these projects until after a report is submitted to the Committees and the 30-day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress. Elimination of this limitation, as contemplated by section 5, would remove duplication of effort on the part of VA and Congress for those projects that have been authorized in accordance with title 38 U.S.C. §8104.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to provide health care coverage under the Federal Employees Health Benefits

Program, FEHBP, to individuals enrolled in a health care plan administered by the Overseas Private Investment Corporation, OPIC. I am pleased to be joined by my good friend Senator COCHRAN in this endeavor.

In the 1980s, a number of Federal banking-related agencies—including OPIC, the Office of Comptroller of the Currency, the Office of Thrift Supervision, and the Farm Credit Administration—established separate health insurance plans outside the FEHBP. The agencies were able to offer enhanced benefits at significantly lower costs because of the demographics of their workforce. However, increasing health care costs, an aging workforce, and an overall reduction in the Federal workforce has made it economically impractical for these agencies to maintain their separate programs. As a result, all of these agencies, except OPIC, discontinued their separate programs through legislation and transferred their employees to the FEHBP. Legislative action is needed because current law requires that Federal employees participate in a FEHBP plan for the 5 years prior to retirement in order to retain coverage after retirement.

OPIC established its separate program in 1982 and discontinued offering the plan to new employees on January 1, 1995. There are 21 retirees and 18 near-retirees who would be affected by the change. Due to the large costs involved in covering retirees in the FEHBP, OPIC would be required to pay the employees health benefits fund for the benefits provided by this legislation. OPIC has agreed to pay this amount from its existing appropriated resources. It is estimated that OPIC will save approximately $300,000 per year in premiums when the transfer occurs.

I ask my colleagues to support this legislation and for unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2527

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

SECTION 1. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, on June 30, 2002, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after June 30, 2002.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, on June 30, 2002, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after June 30, 2002.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, on June 30, 2002, is covered as an unmarried dependent child under a health benefits plan administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on June 30, 2002, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after June 30, 2002.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the National Drought Preparedness Act of 2002. Severe droughts are not solely the curse of the Southwest. Lately, it has been apparent that every region in the United States can be hit by drought. We have certainly experienced our share of drought in the Southwest, but we have also seen the phenomenon occur in the Pacific Northwest, California, the Great Basin States, and this year in Maryland, Virginia, Pennsylvania, and Delaware. According to the recent Drought Monitor, a joint production of the National Drought Mitigation Center, USDA, NOAA, and the Climate Prediction Center, nearly a third of the United States is currently in a moderate to extreme drought.

Currently, the State of New Mexico and much of the Rocky Mountain States are near or below 50 percent of normal based on low snow pack. Along the east coast, precipitation in many places is 8–20 inches below normal over the last year.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. If we find ourselves facing a drought, towns could be scrambling to drill new water wells, fire could sweep across bone dry forests and farmers, and ranchers could be forced to watch their way of life blow away with the dust. We must be vigilant and prepare ourselves for quick action when the next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I propose that this bill is the exact tool needed for facilitating better planning.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

While drought affects the economic and environmental well-being of the entire Nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly as is the case with other natural disasters.

In 1996, every part of New Mexico suffered from severe drought. As a result, I convened a special Multi-State Drought Task Force of Federal, State, local, and tribal emergency management agencies to coordinate efforts to respond to drought. The task force was headed up by the Federal Emergency Management Agency, and included

every Federal agency that has programs designed to deal with drought. The task force found that although the Federal Government has many drought-related programs on the books, the real problem is that there is no integrated, coordinated system of implementing those programs.

With the recommendations from the Western Governors' Association, the National Governors' Association, and the Multi-State Drought Task Force, I introduced the National Drought Policy Act of 1997. This piece of legislation, which was signed into law, was the first step toward establishing a coherent, effective national drought policy. The legislation created a commission comprised of representatives of those Federal, State, local, and tribal agencies and organizations most involved in drought issues. The bill further charged the commission with providing recommendations on a permanent and systematic federal process to address this particular type of devastating natural disaster.

The commission included representatives from USDA, Interior, the Army, FEMA, SBA and Commerce—all agencies with current drought-related programs. The commission also included non-Federal members such as representatives from the National Governors' Association, the U.S. Conference of Mayors, and four persons representing those groups that are always hardest hit by drought emergencies.

The commission was charged with determining what needs existed on the Federal, State, local, and tribal levels with regard to drought; reviewing existing drought programs; and determining what gaps exist between the needs of drought victims and those programs currently designed to deal with drought. Finally, the commission was charged with making recommendations on how Federal drought laws and programs could be better integrated into a comprehensive national drought policy.

Ultimately, the commission concluded that ''we must adopt a forward-looking stance to reduce this nation's vulnerability to the impacts of drought. Preparedness—including drought planning, plan implementation, proactive mitigation, risk management, resource stewardship, consideration of environmental concerns, and public education—must become the cornerstone of national drought policy.'' The guiding principles of drought policy should be one, favoring preparedness over insurance, insurance over relief, and incentives over regulation; two, setting research priorities based on the potential of the research results to reduce drought impacts; and three, coordinating the delivery of Federal services through cooperation and collaboration with non-Federal entities.

I am pleased to be following through on what I started in 1997. The bill that I am introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

The National Drought Preparedness Act of 2002 does the following: It creates national policy for drought. This will hopefully move the country away from the costly, ad-hoc, response-oriented approach to drought, and move us toward a pro-active, preparedness approach. The new national policy would provide the tools and focus, similar to the Stafford Act, for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

The bill would improve delivery of Federal drought programs. This would ensure improved program delivery, integration, and leadership. To achieve this intended purpose, the bill establishes the National Drought Council, designating USDA as the lead Federal agency. The council and USDA would provide the coordinating and integrating function for Federal drought programs, much like FEMA provides that function for other natural disasters under the Stafford Act.

The act will provide new tools for drought preparedness planning. Building on existing policy and planning processes, the bill would assist States, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate State and local planning, but is intended to facilitate plan development and implementation through establishment of the drought assistance fund.

The bill would improve forecasting and monitoring by facilitating the development of the National Drought Monitoring Network in order to improve the characterization of current drought conditions and the forecasting of future droughts. Ultimately, this would provide a better basis to trigger Federal drought assistance.

Finally, the bill would authorize FEMA to provide reimbursement to States for reasonable staging and prepositioning costs when there is a threat of a wildfire.

Mr. President I ask unanimous consent that text of the bill be printed in the RECORD.

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

S. 2528

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Drought Preparedness Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

Sec. 101. Membership and voting.
Sec. 102. Duties of the Council.
Sec. 103. Powers of the Council.
Sec. 104. Council personnel matters.
Sec. 105. Authorization of appropriations.
Sec. 106. Termination of Council.

Subtitle B—National Office of Drought Preparedness

Sec. 111. Establishment.
Sec. 112. Director of the Office.
Sec. 113. Detail of government employees.

Subtitle C—Drought Preparedness Plans

Sec. 121. Drought Assistance Fund.
Sec. 122. Drought preparedness plans.
Sec. 123. Federal plans.
Sec. 124. State and tribal plans.
Sec. 125. Regional and local plans.
Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

SEC. 2. FINDINGS.

Congress finds that—

(1) regional drought disasters in the United States cause serious economic and environmental losses, yet there is no national policy to ensure an integrated and coordinated Federal strategy to prepare for, mitigate, or respond to such losses;

(2) State, tribal, and local governments have to coordinate efforts with each Federal agency involved in drought monitoring, planning, mitigation, and response;

(3) effective drought monitoring—

(A) is a critical component of drought preparedness and mitigation; and

(B) requires a comprehensive, integrated national program that is capable of providing reliable, accessible, and timely information to persons involved in drought planning, mitigation, and response activities;

(4) the National Drought Policy Commission was established in 1998 to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

(5) according to the report issued by the National Drought Policy Commission in May 2000, the guiding principles of national drought policy should be—

(A) to favor preparedness over insurance, insurance over relief, and incentives over regulation;

(B) to establish research priorities based on the potential of the research to reduce drought impacts;

(C) to coordinate the delivery of Federal services through collaboration with State and local governments and other non-Federal entities; and

(D) to improve collaboration among scientists and managers; and

(6) the National Drought Council, in coordination with Federal agencies and State, tribal, and local governments, should provide the necessary direction, coordination, guidance, and assistance in developing a comprehensive drought preparedness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the National Drought Council established by section 101(a).

(2) CRITICAL SERVICE PROVIDER.—The term ''critical service provider'' means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency.

(4) DIRECTOR OF THE OFFICE.—The term ''Director of the Office'' means the Director of the Office appointed under section 112(a).

(5) DROUGHT.—The term ''drought'' means a major natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(6) FUND.—The term ''Fund'' means the Drought Assistance Fund established by section 121(a).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) MITIGATION.—The term ''mitigation'' means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NATIONAL DROUGHT MONITORING NETWORK.—The term ''National Drought Monitoring Network'' means a comprehensive network that collects and integrates information on the key indicators of drought, including stream flow, ground water levels, reservoir levels, soil moisture, snow pack, climate (including precipitation and temperature), and forecasts, in order to make usable, reliable, and timely assessments of drought, including the severity of drought.

(10) NEIGHBORING COUNTRY.—The term ''neighboring country'' means Canada and Mexico.

(11) OFFICE.—The term ''Office'' means the National Office of Drought Preparedness established under section 111.

(12) TRIGGER.—The term ''trigger'' means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

SEC. 4. EFFECT OF ACT.

This Act does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

SEC. 101. MEMBERSHIP AND VOTING.

(a) IN GENERAL.—There is established a council to be known as the ''National Drought Council''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) the Director;

(B) the Secretary of the Interior;

(C) the Secretary of the Army;

(D) the Secretary of Agriculture;

(E) 4 members appointed by the Federal co-chair appointed under subsection (f), in coordination with the National Governors Association, of whom—

(i) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region I, II, or III;

(ii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region IV or VI;

(iii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region V or VII; and

(iv) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region VIII, IX, or X;

(F) 1 member appointed by the Federal co-chair, in coordination with the National Association of Counties;

(G) 1 member appointed by the Federal co-chair, in coordination with the United States Conference of Mayors;

(H) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(I) 1 member appointed by the Secretary of Agriculture, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(2) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member of the Council shall be appointed for a term of 2 years.

(2) VACANCIES.—A vacancy on the Council—

(A) shall not affect the powers of the Council; and

(B) shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(2) FREQUENCY.—The Council shall meet at least semiannually.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(f) CO-CHAIRS.—

(1) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(2) APPOINTMENT.—

(A) FEDERAL CO-CHAIR.—The Director shall be Federal co-chair.

(B) NON-FEDERAL CO-CHAIR.—The Council members appointed under subparagraphs (E) through (I) of subsection (b)(1) shall select a non-Federal co-chair from among the members appointed under those subparagraphs.

(g) DIRECTOR OF THE OFFICE.—

(1) IN GENERAL.—The Director of the Office shall serve as Director of the Council.

(2) DUTIES.—The Director of the Office shall serve the interests of all members of the Council.

SEC. 102. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall—

(1) not later than 1 year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(A)(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(B) is consistent with—

(i) this Act and other applicable Federal laws; and

(ii) the laws and policies of the States for water management;

(C) is integrated with drought management programs of the States, Indian tribes, local governments, and private entities; and

(D) avoids duplicating Federal, State, tribal, local, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(2) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(A) discrepancies between the goals of the programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere with the effective operation of the programs;

(3) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(A) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(B) improving the consistency and fairness of assistance among Federal drought relief programs;

(4) coordinate and prioritize specific activities that will improve the National Drought Monitoring Network by—

(A) taking into consideration the limited resources for—

(i) drought monitoring, prediction, and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of an effective drought information delivery system that—

(i) communicates drought conditions and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the Federal, regional, State, tribal, and local levels of government that reflect regional and State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

(6) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(A) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(B) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(C) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks; and

(D) information on State and local laws applicable to drought; and

(8) establish operating procedures for the Council.

(b) CONSULTATION.—In carrying out this section, the Council shall consult with groups affected by drought emergencies, including groups that represent—

(1) agricultural production, wildlife, and fishery interests;

(2) forestry and fire management interests;

(3) the credit community;

(4) rural and urban water associations;

(5) environmental interests;

(6) engineering and construction interests; and

(7) the portion of the science community that is concerned with drought and climatology.

(c) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this title.

(B) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans completed under sections 123 through 125.

(ii) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council under paragraph (2) or (3) of subsection (a).

(2) FINAL REPORT.—Not later than 7 years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(A) amendments to this Act; and

(B) whether the Council should continue.

SEC. 103. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on request of the Federal co-chair or non-Federal co-chair, the head of a Federal agency may provide information to the Council.

(B) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) FEDERAL FACILITIES.—If the Council proposes the use of a Federal facility for the purposes of carrying out this title, the Council shall solicit and consider the input of the Federal agency with jurisdiction over the facility.

SEC. 104. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2003 through 2010.

SEC. 106. TERMINATION OF COUNCIL.

The Council shall terminate 8 years after the date of enactment of this Act.

Subtitle B—National Office of Drought Preparedness

SEC. 111. ESTABLISHMENT.

The Director shall establish directly under the Director an office to be known as the ''National Office of Drought Preparedness'' to provide assistance to the Council in carrying out this title.

SEC. 112. DIRECTOR OF THE OFFICE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director of the Office shall be a person who has experience in—

(A) public administration; and

(B) drought mitigation or drought management.

(b) POWERS.—The Director of the Office may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

SEC. 113. DETAIL OF GOVERNMENT EMPLOYEES.

(a) IN GENERAL.—An employee of the Federal Government may be detailed to the Office without reimbursement, unless the Federal co-chair, on the recommendation of the Director of the Office, determines that reimbursement is appropriate.

(b) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

Subtitle C—Drought Preparedness Plans

SEC. 121. DROUGHT ASSISTANCE FUND.

(a) ESTABLISHMENT.—There is established within the Federal Emergency Management Agency a fund to be known as the ''Drought Assistance Fund''.

(b) PURPOSE.—The Fund shall be used to pay the costs of—

(1) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, and critical service providers for the development and implementation of drought preparedness plans under sections 123 through 125;

(2) providing to States, Indian tribes, local governments, and critical service providers the Federal share, as determined by the Federal co-chair, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(3) assisting States, Indian tribes, local governments, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought;

(4) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques;

(5) developing post-drought evaluations and recommendations; and

(6) supplementing, if necessary, the costs of implementing actions under section 102(a)(4).

(c) GUIDELINES.—

(1) IN GENERAL.—The Federal co-chair of the Council shall, in consultation with other members of the Council, promulgate guidelines implementing this section.

(2) REQUIREMENTS.—The guidelines shall—

(A) ensure the distribution of amounts from the Fund within a reasonable period of time;

(B) take into consideration regional differences; and

(C) prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes described in subsection (b).

SEC. 122. DROUGHT PREPAREDNESS PLANS.

(a) IN GENERAL.—The Director, in consultation with the Council, shall publish guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, and critical service providers for the development, maintenance, and implementation of drought preparedness plans.

(b) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

SEC. 123. FEDERAL PLANS.

(a) IN GENERAL.—The Director, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Army, and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(b) REQUIREMENTS.—The Federal plans—

(1) shall be integrated with each other;

(2) may be included as components of other Federal planning requirements;

(3) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(4) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 124. STATE AND TRIBAL PLANS.

States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments and regional water providers may develop and implement drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with corresponding State plans.

SEC. 126. PLAN ELEMENTS.

The drought preparedness plans developed under sections 123 through 125—

(1) shall be consistent with Federal and State laws, contracts, and policies;

(2) shall allow each State to continue to manage water and wildlife in the State;

(3) shall address the health, safety, and economic interests of those persons directly affected by drought;

(4) may include—

(A) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(B) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(C) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(D) provisions for periodic drought exercises, revisions, and updates;

(E) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(F) drought triggers;

(G) specific implementation actions for droughts;

(H) a water shortage allocation plan, consistent with State water law; and

(I) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(5) shall take into consideration—

(A) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(B) economic impacts from water shortages.

TITLE II—WILDFIRE SUPPRESSION

SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) droughts increase the risk of catastrophic wildfires that—

''(i) drastically alter and otherwise adversely affect the landscape for communities and the environment;

''(ii) because of the potential of such wildfires to overwhelm State wildfire suppression resources, require a coordinated response among States, Federal agencies, and neighboring countries; and

''(iii) result in billions of dollars in losses each year;

''(B) the Federal Government must, to the maximum extent practicable, prevent and suppress such catastrophic wildfires to protect human life and property;

''(C) not taking into account State, local, and private wildfire suppression costs, during the period of 1996 through 2000, the Federal Government expended over $630,000,000 per year for wildfire suppression costs;

''(D) it is more cost-effective to prevent wildfires by prepositioning wildfire fighting resources to catch flare-ups than to commit millions of dollars to respond to large uncontrollable fires; and

''(E) it is in the best interest of the United States to invest in catastrophic wildfire prevention and mitigation by easing the financial burden of prepositioning wildfire suppression resources.

''(2) PURPOSE.—The purpose of this section is to encourage the mitigation and prevention of wildfires by providing financial assistance to States for prepositioning of wildfire suppression resources.

''(b) AUTHORIZATION.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may reimburse a State for the cost of prepositioning wildfire suppression resources on potential multiple and large fire complexes when the Director determines, in accordance with national and regional severity indices of the Forest Service, that a wildfire event poses a threat to life and property in the area.

''(c) ELIGIBILITY.—Wildfire suppression resources of the Federal Government, neighboring countries, and any State other than the State requesting assistance are eligible for reimbursement under this section.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Director may reimburse a State for the costs of prepositioning of wildfire suppression resources of the entities specified in subsection (c), including mobilization to, and demobilization from, the staging or prepositioning area.

''(2) REQUIREMENTS.—For a State to receive reimbursement under paragraph (1)—

''(A) any resource provided by an entity specified in subsection (c) shall have been specifically requested by the State seeking reimbursement; and

''(B) staging or prepositioning costs—

''(i) shall be expended during the approved prepositioning period; and

''(ii) shall be reasonable.''.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators THOMAS, MURKOWSKI, TORRICELLI, HARKIN, CLINTON, and JOHNSON entitled ''The Medicare Incentive Payment Program Improvement Act of 2002'' is designed to improve the flow of needed bonus payments to physicians serving Medicare patients in health professions shortage areas, HPSA.

In my own State the flight of physicians from underserved areas has affected both primary care and specialty services alike. In many areas the shortages of specialists exceeds that of primary care physicians. The New Mexico Health Policy Commission reported in its year 2000 report that 22 percent of residents in Los Alamos and Santa Fe were unable to receive needed specialist care.

With only 170 physicians per 100,000 people, New Mexico ranks well behind the national average with regard to primary care and specialist physicians. The physician shortage problem is further compounded by the disproportionate decline in physicians from rural and underserved areas.

New Mexico, like many States, has a growing proportion of its rural population becoming older and sicker. According to the latest census, over 20 million of our citizens live in physician shortage areas.

Lack of adequate reimbursement, in the face of increasing costs, is a critical factor leading to the shortage of physician services in HPSAs. Physicians flee rural and shortage areas for many reasons including inadequate reimbursement, family hardships and quality-of-life issues. Although it is beyond our scope to address all these issues, we can fix the reimbursement component.

The Medicare Incentive Payment Program, MIPP, created by the Omnibus Budget Reconciliation Act of 1987, was meant to assist physicians in defraying the higher costs and burdens of serving Medicare patients in shortage areas. These 10 percent ''bonuses'' are an essential component in our ongoing effort to ensure Medicare beneficiaries access to medical services.

Unfortunately the Medicare Incentive Payment Program has fared poorly, with few providers choosing to receive the payments. In fact, the total annual physician payments have never exceeded $100 million because of a series of disincentives in the legislation.

The program requires a provider to do a number of things to obtain the bonus payments. First, providers must be aware that NIPP payments are available to them. Many providers are unaware of the program's existence. Next, physicians must find out if the patient's medical care occurred in a shortage area. Following this a unique code must be attached to the Medicare claim, which is then forwarded to the carrier. Finally, after all these steps, providers are subjected to automatic Medicare audits, just for accepting these payments.

Providers committed to serving Medicare patients in underserved areas deserve the support assured by the original legislation's intent.

The Medicare Incentive Payment Improvement Act of 2002 addresses and improves shortcomings in the original legislation by: placing the burden for determining the bonus eligibility on the Medicare carrier; eliminating automatic provider audits; directing the Center for Medicare and Medicaid Services to establish a Medicare incentive payment program educational program for providers; establishing an ongoing analysis of the programs' ability to improve Medicare beneficiaries access to physician services; continue to provide the original 10 percent add-on bonus for Part B physician payments in health provider shortage areas.

Medicare carriers are the logical arbiters to determine whether physician services occurred in a shortage area. Physicians, already overworked, lack sufficient time, resources, and training to research and determine whether a service was provided in a HPSA. By placing the responsibility on carriers, with their sophisticated information systems, the physician's administrative burdens will be reduced.

The automatic audits triggered by this program, costly, time intensive, and unwarranted, will be lifted under our legislation. By placing the responsibility on carriers to determine payment eligibility the need for provider audits is eliminated.

While the MIPP program is intended to improve beneficiaries' access to physician services, there is no measure of the program's effect on physician availability. The legislation offered today directs CMS, to perform, as ongoing analysis, whether these payments actually do improve beneficiaries access to physician services.

I believe these improvements, in addition to others listed above, will greatly improve patient's access to care.

The following organizations have expressed their support for this legislation: American College of Physicians/American Society of Internal Medicine, the American Academy of Family Physicians and the American Geriatrics Society.

Mr. President, I ask unanimous consent that a fact sheet, letters of support, and the text of the bill be printed in the RECORD.

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

S. 2529

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 ''Medicare Incentive Payment Program Improvement Act of 2002''.

SEC. 2. PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.

Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended—

(1) by inserting ''(1)'' after ''(m)''; and

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

''(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).''.

SEC. 3. EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.

The Secretary of Health and Human Services shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)).

SEC. 4. ONGOING STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.

(a) ONGOING STUDY.—The Secretary of Health and Human Services shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)). Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) as a health professional shortage area to physicians' services under the medicare program.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

THE MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENT ACT OF 2002—FACT SHEET

The proposed legislation by Sen. Jeff Bingaman (D–NM) will improve the flow of needed bonus payments to physicians serving Medicare beneficiaries in Health Professions Shortage Areas (HPSA's). These providers care for patients under difficult circumstances without the financial or infrastructure resources of their colleagues practicing in non-shortage areas.

The Act streamlines the flow of a 10% bonus payment for all part-B physicians services provided in geographic HPSA's. In addition, the legislation further improves the existing Medicare Incentive Payment Program by reducing the administrative burden to providers and providing an educational program.

The Medicare Incentive Payment Program was initially created and later modified under the Omnibus Budget Reconciliation Acts of 1987 and 1989. The program has fared poorly with little uptake by providers. Total payments fell following the 1997 Balanced Budget Amendment with total payments of $100 million in 1996 and $90 million in 1997.

The present program requires a provider to have knowledge of and perform a number of items in order to obtain the payment.

Have knowledge the program exists. Many providers are unaware of the bonuses.

Determine if the patient encounter took place in a geographic HPSA.

Attach the proper modifier to the claim.

Undergo a stringent audit process by the intermediary. This risk alone deters many providers from participation.

The MIP program although sound in concept has proven difficult to execute. In order for the programs initial goals to be fully realized it must be utilized, i.e., payment to providers serving Medicare beneficiary's in geographic HPSA's

The Medicare Incentive Program Improvment Act of 2002 will:

Continue to provide the 10% add on bonus to all Part-B payments in Geographic HPSA's.

Place the responsibility for determining bonus eligibility on the Medicare carrier.

Eliminate the audit burden.

Call for the Center for Medicare and Medicaid Services to establish a MIP Educational Program for providers.

Establish an ongoing analysis of the programs ability to improve Medicare's patient's access to physician services.

ACP-ASIM,
April 17, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the American College of Physicians-American Society of Internal Medicine (ACP-ASIM), we wish to extend our support for your draft Medicare Incentive Payment (MIP) Program legislation. ACP-ASIM—represents 115,000 physicians and medical students—is the largest medical specialty society and second largest physician organization in the United States. Internists provide care to more Medicare patients than any other physician specialty.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seeks to improve the existing MIP Program by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. In addition, we support provisions in the proposal that require the Center for Medicare and Medicaid Services (CMS) to establish a MIP educational program for providers, and also establish initiatives that provide an analysis of the programs ability to improve Medicare beneficiary's access to physician services. We hope these initiatives will provide needed incentives to recruit and retain physicians into shortage areas.

While we support the draft MIP legislation, we are concerned that unless Congress fixes the overall physician payment update formula within the Medicare program, a 10 percent bonus of a declining payment will not solve the problem of physicians providing services to patients in HPSA. Therefore, we hope you will continue to be supportive of a legislative solution to replace the seriously flawed formula in current law for updating the Medicare physician fee schedule, and base annual updates on changes in physicians' input prices as has been recommended by the Medicare Payment Advisory Commission in its March 1 Report to Congress. If left in place, the current update methodology, tied to the performance of the overall economy, will lower Medicare payments for physician services by 28.1 percent in real terms by 2005.

Thank you again, Senator Bingaman for your continued leadership to the present and future viability of the Medicare program.

Sincerely,

SARA E. WALKER,
President.

THE AMERICAN GERIATRICS SOCIETY,
May 16, 2002.

The Hon. JEFF BINGAMAN,
United States Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health care professionals who are specially trained in the management of care for frail, chronically ill older patients, extends our support for your draft Medicare Incentive Payment (MIP) Program legislation.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in Geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seek to improve the existing MIP by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. Finally, we support provision that would improve our ability to provide Medicare beneficiary access to physician services under the MIP Program.

We look forward to working with you on this and other important Medicare initiatives during this Congress. If you should have comments or questions on this letter, please contact Susan Emmer in our Washington office at 301–320–3873.

Sincerely,

KENNETH BRUMMEL-SMITH, MD,
President.

AMERICAN ACADEMY OF FAMILY PHYSICIANS,
May 16, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The American Academy of Family Physicians and its 93,500 members nationwide commend you for introducing the ''Medicare Incentive Payment Program Improvement Act of 2002.'' This bill would make any physician practicing in a Health Professional Shortage Area (HPSA) eligible for a ten-percent bonus. The bill would also charge the Secretary of Health and Human Services to conduct an ongoing program to provide education to physicians on the Medicare Incentive Payment (MIP) program. The Secretary would also be directed to conduct an ongoing study of the MIP program, which shall focus on whether such a program increases the access to physicians' services for those Medicare beneficiaries who reside in a HPSA.

Created in 1989, the MIP program provides bonus payments to physicians who practice in HPSAs in an effort to entice more physicians to those areas. According to a Medicare Payment Advisory Commission (MedPAC) report dated June 2001, a recent decline in the bonus payments to physicians has caused concern that several aspects of the program design are compromising its effectivess.

For example, currently the MIP ten-percent bonus is paid to physicians practicing in HPSAs only upon submission of the claim form with a special coding modifier attached to each service identified. Since the bonus payment is predicated upon the use of this special coding modifier, and since, due to the inherent instability of the HPSA designation, physicians cannot always be certain if they are practicing in a shortage area, the use of the MIP has been less than expected.

In 1996, 75 percent of participating rural physicians, or about 18,700 doctors, received less than $1,520 each in bonus payments for the year. In addition to the complexities described above, the low level of payments may be attributable to carriers being required to review claims of physicians who receive the largest bonus payments. A 1999 study by the Health Care Financing Administration (HCFA) suggested this policy may discourage physicians from applying for the MIP program. More importantly, a 1999 General Accounting Office (GAO) report suggested the ten-percent bonus payments may be insufficient to have a significant influence on recruitment or retention of primary care physicians.

The American Academy of Family Physicians urges Congress to pass the ''Medicare Incentive Payment Program Improvement Act of 2002,'' which would make any physician practicing in a HPSA automatically eligible for the ten-percent bonus without having to engage in any special billing or coding processes or submitting to a higher level of claims review. Such action will ensure that rural Medicare patients can continue to receive the care they depend on and deserve. Please let us know how we can assist in the effort to gain support for this important legislation.

Sincerely,

RICHARD G. ROBERTS,
Board Chair.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Medicare Incentive Payment Program Improvement Act of 2002 with my distinguished colleague Senator BINGAMAN. This legislation makes important improvements to the current Medicare Incentive Payment, MIP Program. These refinements will go a long way in ensuring eligible rural physicians receive the Medicare bonus payment to which they are entitled.

The Medicare Incentive Payment Program was created in 1987 under the Omnibus Budget Reconciliation Act to serve as an incentive tool to recruit physicians to practice in Health Professional Shortage Areas, HPSAs, by providing a 10-percent Medicare bonus payment. There are approximately 2,800 federally designated HPSAs—75 percent of which are located in rural areas. In my State of Wyoming, over half of the counties are designated as a health professional shortage area and have a difficult time recruiting physicians.

Unfortunately, this well-intended program has not worked well due to the burden it places on providers. Under the current MIP programmatic structure, physicians are required to determine if the patient encounter occurred in a designated underserved areas, they must attach a code modifier to the billing claim and must undergo a stringent audit. Additionally, there is evidence that many physicians who would be eligible are not even aware of the program.

Therefore, the legislation we are introducing today alleviates the administrative burden on rural physicians by requiring Medicare carriers to determine eligibility. The Medicare Incentive Payment Program Improvement Act of 2002 also requires the Centers for Medicare and Medicaid Services to establish a MIP education program for providers and establishes ongoing analysis of the MIP Program's ability to improve access to physician services for Medicare beneficiaries.

All physicians are currently struggling with the recent Medicare payment reduction of 5.4 percent in addition to the ever-increasing regulatory burden of participating in the Medicare Program. As rural providers tend to be disproportionately impacted by Medicare payment cuts, it has never been more important to ensure that the few rural physician incentive programs that exist have a positive effect on the stability of our rural health care delivery system. I strongly urge all my Senate colleagues interested in rural health to cosponsor the Medicare Incentive Payment Program Improvement Act of 2002.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—EXPRESSING THE SENSE OF THE SENATE REGARDING THE EFFECTIVENESS OF THE AMBER PLAN IN RESPONDING TO CHILD ABDUCTIONS

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 271

Whereas communities should implement an emergency alert plan such as the AMBER (America's Missing: Broadcast Emergency Response) Plan to expedite the recovery of abducted children;

Whereas the AMBER Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas just as in a storm emergency, when warnings are broadcast locally, under AMBER, radio and television stations, as a public service, interrupt programming with a critical message from law enforcement regarding the description of a missing child;

Whereas the AMBER Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the AMBER Plan;

Whereas statistics from the Department of Justice show that 74 percent of kidnapped children who are later found murdered are killed within the first 3 hours of their abduction;

Whereas since the first few hours during which a child is missing are critical, the AMBER plan helps the community respond quickly;

Whereas since the first AMBER alert in 1997, AMBER plans have helped to recover 16 children throughout the country;

Whereas the National Center for Missing and Exploited Children endorses the AMBER Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the AMBER Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the AMBER Plan is a powerful tool in fighting child abductions; and

(2) the AMBER Plan should be used in communities across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3428. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3429. Mr. KYL (for himself, Mr. GRAMM, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3431. Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3432. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3434. Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3433 proposed by Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3436. Mr. GRAHAM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3428. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act,

to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 2102(b)(11) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) to ensure that the parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and strive to ensure that such labor principles and the core labor standards set forth in section 2113(2) are recognized and protected by domestic law;

''(D) recognizing the rights of parties to establish their own labor standards, and to adopt or modify accordingly their labor laws and regulations, parties shall strive to ensure that their laws provide for labor standards consistent with the core labor standards and shall strive to improve those standards in that light;

''(E) to recognize that it is inappropriate to encourage trade by relaxing domestic labor laws and to strive to ensure that parties to a trade agreement do not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their labor laws as an encouragement for trade;

''(F) to strengthen the capacity of United States trading partners to promote respect for core labor standards and reaffirm their obligations and commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;''.

SA 3429. Mr. KYL (for himself, Mr. GRAMM, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) may be used only to fund the operations of the United States Customs Service.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 2102(b) is amended by striking paragraph (3) and inserting the following new paragraph:

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade distorting barriers to trade-related foreign investment. A trade agreement that includes investment provisions shall—

(A) reduce or eliminate exceptions to the principle of national treatment;

(B) provide for the free transfer of funds relating to investment;

(C) reduce or eliminate performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) ensure that foreign investors are not granted greater legal rights than citizens of the United States possess under the United States Constitution;

(E) limit the provisions on expropriation, including by ensuring that payment of compensation is not required for regulatory measures that cause a mere diminution in the value of private property;

(F) ensure that standards for minimum treatment, including the principle of fair and equitable treatment, shall grant no greater legal rights than United States citizens possess under the due process clause of the United States Constitution;

(G) provide that any Federal, State, or local measure that protects public health, safety and welfare, the environment, or public morals is consistent with the agreement unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments, or demonstrates that the measure violates a standard established in accordance with subparagraph (E) or (F);

(H) ensure that—

(i) a claim by an investor under the agreement may not be brought directly unless the investor first submits the claim to an appropriate competent authority in the investor's country;

(ii) such entity has the authority to disapprove the pursuit of any claim solely on the basis that it lacks legal merit; and

(iii) if such entity has not acted to disapprove the claim within a defined period of time, the investor may proceed with the claim;

(I) improve mechanisms used to resolve disputes between an investor and a government through—

(i) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(ii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iii) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(J) ensure the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(III) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, nongovernmental organizations, and other interested parties.

SA 3431. Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 20 and 21, insert the following:

''(D) SERVICE WORKERS.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under this chapter to domestic operators of motor carriers who are adversely affected by competition from foreign owned and operated motor carriers.

''(ii) DATA COLLECTION SYSTEM.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall put in place a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation for each worker.

''(iii) REPORT.—Not later than 2 years after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall report to Congress the results of a study on ways for extending the programs in this chapter to adversely affected service workers, including recommendations for legislation.

SA 3432. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPACT OF TRADE ON WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) United States international trade, social development, and international development policy should be linked with the goal of improving women's social and economic status in the United States and abroad.

(2) Enhancing women's status not only improves individual lives, but also eliminates market inefficiencies and leads to greater economic growth and trade.

(b) ADVISORY COMMITTEE FOR TRADE, GENDER, AND DEVELOPMENT POLICY.—

(1) ESTABLISHMENT.—The United States Trade Representative, pursuant to section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(2), shall establish within the Office of the United States Trade Representative a Trade, Gender, and Development Policy Advisory Committee (in this section referred to as the ''Advisory Committee'') to provide policy advice on issues involving trade, gender, and international development.

(2) DUTIES.—The Advisory Committee shall be responsible for the following:

(A) Providing the Trade Representative with policy advice on issues involving gender, development, and trade.

(B) Advising the Trade Representative on—

(i) positions, text, and other negotiating objectives and bargaining positions before the United States enters into trade agreements;

(ii) the operation of any trade agreement once entered into; and

(iii) any other matter relating to the development, implementation, and administration of United States trade policy, including issues pertaining to gender and development concerns in trade negotiations.

(C) Submitting a report to the President, to Congress, and to the Trade Representative after the bracketed texts have been drafted for bilateral and multilateral negotiations that analyzes the effects of bracketed text on women in the United States and abroad.

(D) Providing an advisory opinion on whether the agreement protects and promotes the interests of women in the United States and abroad and suggesting changes to the text to make it conform to international

agreements that the United States has signed.

(E) Submitting a report to the President, to Congress, and to the Trade Representative at the conclusion of negotiations for bilateral and multilateral agreements, including an advisory opinion on the effects of the agreement on the interests of women in the United States, and in the developing world.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of not more than 35 members, appointed by the Trade Representative, who shall include, but not be limited to, representatives from women's interest groups, private voluntary organizations, international aid organizations, and appropriate representatives from Federal departments and agencies. The membership of the Advisory Committee shall be broadly representative of key sectors and groups of the economy with an interest in trade, gender, and international development policy issues.

(B) TERM.—Members of the Advisory Committee shall be appointed for a term of 2 years and may be reappointed for additional terms.

(C) POLITICAL AFFILIATION.—Members may be appointed to the Advisory Committee without regard to political affiliation.

(D) VACANCY.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(E) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be designated by the Trade Representative at the time of appointment.

(4) DESIGNEES.—The Trade Representative may request 1 or more members of the Advisory Committee to designate a staff-level representative for discussions of technical issues related to trade and environmental policy.

(5) SUBCOMMITTEES.—The Advisory Committee may establish such subcommittees as its members deem necessary, subject to the provisions of the Federal Advisory Committee Act and the approval of the Trade Representative's designee.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 164, between lines 16 and 17, insert the following:

SEC. 604. APPLICATION TO CERTAIN STEELWORKER RETIREES AND ELIGIBLE BENEFICIARIES.

(a) ELIGIBILITY FOR ASSISTANCE WITH HEALTH INSURANCE COVERAGE AND INTERIM ASSISTANCE.—

(1) INTERNAL REVENUE CODE OF 1986.—Section 6429(c) of the Internal Revenue Code of 1986, as added by section 601 of this division, is amended to read as follows:

''(c) ELIGIBLE INDIVIDUAL.—

''(1) IN GENERAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

''(2) STEELWORKER RETIREES.—

''(A) IN GENERAL.—During the period described in subparagraph (B), such term includes an individual who—

''(i) is not described in paragraph (1); and

''(ii) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(B) PERIOD DESCRIBED.—For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on the date the individual described in subparagraph (A) first is enrolled in qualified health insurance and ends on the earlier of—

''(i) 1-year after such date; or

''(ii) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(C) LIMITATION.—In no event may the period described in subparagraph (B) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) is issued to any eligible individual described in paragraph (1).''.

(2) WORKFORCE INVESTMENT ACT OF 1998.—Section 173 of the Workforce Investment Act of 1998, as amended by section 603 of this division, is amended—

(A) in subsection (f)(4), by striking subparagraph (B) and inserting the following:

''(B) ELIGIBLE WORKER.—

''(i) IN GENERAL.—The term 'eligible worker' means an individual who—

''(I) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

''(II) does not have other specified coverage; and

''(III) is not imprisoned under Federal, State, or local authority.

''(ii) STEELWORKER RETIREES.—

''(I) IN GENERAL.—During the period described in subclause (II), such term includes an individual who—

''(aa) is not described in clause (i); and

''(bb) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(II) PERIOD DESCRIBED.—For purposes of subclause (I), the period described in this subclause is the period that begins on the date the individual described in subclause (I) first is enrolled in health insurance coverage described in paragraph (1)(A) and ends on the earlier of—

''(aa) 1-year after such date; or

''(bb) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(III) LIMITATION.—In no event may the period described in subclause (II) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) of the Internal Revenue Code of 1986 is issued to any eligible worker described in clause (i).''; and

(B) in subsection (g), by striking paragraph (5) and inserting the following:

''(5) DEFINITION OF ELIGIBLE WORKER.—

''(A) IN GENERAL.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).

''(B) STEELWORKER RETIREES.—

''(i) IN GENERAL.—During the period described in clause (ii), such term includes an individual who—

''(I) is not described in subparagraph (A); and

''(II) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period that begins on the date the individual described in clause (i) first receives assistance under this subsection and ends on the earlier of—

''(I) 1-year after such date; or

''(II) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.''.

(b) REVENUE PROVISIONS.—

(1) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(A) IN GENERAL.—

(i) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(I) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(II) by inserting ''full or partial'' after ''facilitate''.

(ii) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(B) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to agreements entered into on or after the date of the enactment of this Act.

(2) DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.—

(A) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

''SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating

to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to deposits made after the date of the enactment of this Act.

(ii) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this paragraph) shall be treated as the date such amount is deposited for purposes of such section 6603.

SA 3434. Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3433 proposed by Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 604. APPLICATION TO CERTAIN STEELWORKER RETIREES AND ELIGIBLE BENEFICIARIES.

(a) ELIGIBILITY FOR ASSISTANCE WITH HEALTH INSURANCE COVERAGE AND INTERIM ASSISTANCE.—

(1) INTERNAL REVENUE CODE OF 1986.—Section 6429(c) of the Internal Revenue Code of 1986, as added by section 601 of this division, is amended to read as follows:

''(c) ELIGIBLE INDIVIDUAL.—

''(1) IN GENERAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

''(2) STEELWORKER RETIREES.—

''(A) IN GENERAL.—During the period described in subparagraph (B), such term includes an individual who—

''(i) is not described in paragraph (1); and

''(ii) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(B) PERIOD DESCRIBED.—For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on the date the individual described in subparagraph (A) first is enrolled in qualified health insurance and ends on the earlier of—

''(i) 1-year after such date; or

''(ii) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(C) LIMITATION.—In no event may the period described in subparagraph (B) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) is issued to any eligible individual described in paragraph (1).''.

(2) WORKFORCE INVESTMENT ACT OF 1998.—Section 173 of the Workforce Investment Act of 1998, as amended by section 603 of this division, is amended—

(A) in subsection (f)(4), by striking subparagraph (B) and inserting the following:

''(B) ELIGIBLE WORKER.—

''(i) IN GENERAL.—The term 'eligible worker' means an individual who—

''(I) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

''(II) does not have other specified coverage; and

''(III) is not imprisoned under Federal, State, or local authority.

''(ii) STEELWORKER RETIREES.—

''(I) IN GENERAL.—During the period described in subclause (II), such term includes an individual who—

''(aa) is not described in clause (i); and

''(bb) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(II) PERIOD DESCRIBED.—For purposes of subclause (I), the period described in this subclause is the period that begins on the date the individual described in subclause (I) first is enrolled in health insurance coverage described in paragraph (1)(A) and ends on the earlier of—

''(aa) 1-year after such date; or

''(bb) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(III) LIMITATION.—In no event may the period described in subclause (II) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) of the Internal Revenue Code of 1986 is issued to any eligible worker described in clause (i).''; and

(B) in subsection (g), by striking paragraph (5) and inserting the following:

''(5) DEFINITION OF ELIGIBLE WORKER.—

''(A) IN GENERAL.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).

''(B) STEELWORKER RETIREES.—

''(i) IN GENERAL.—During the period described in clause (ii), such term includes an individual who—

''(I) is not described in subparagraph (A); and

''(II) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period that begins on the date the individual described in clause (i) first receives assistance under this subsection and ends on the earlier of—

''(I) 1-year after such date; or

''(II) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.''.

(3) RULE OF CONSTRUCTION.—Nothing in section 6429(c)(2) of the Internal Revenue Code of 1986 (as amended by this subsection) or in subsection (f)(4)(B)(ii) or (g)(5)(B) of section 173 of the Workforce Investment Act of 1998 (as so amended) shall be construed as making an individual described in such section 6429(c)(2), subsection (f)(4)(B)(ii), or (g)(5)(B) eligible for any trade adjustment assistance available to individuals who are qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974 (as amended by section 111 of this division) if an individual described in such section 6429(c)(2), subsection (f)(4)(B)(ii), or

(g)(5)(B) would not otherwise be eligible for such assistance.

(b) REVENUE PROVISIONS.—

(1) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(A) IN GENERAL.—

(i) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(I) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(II) by inserting ''full or partial'' after ''facilitate''.

(ii) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(B) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to agreements entered into on or after the date of the enactment of this Act.

(2) DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.—

(A) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

''SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to deposits made after the date of the enactment of this Act.

(ii) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this paragraph) shall be treated as the date such amount is deposited for purposes of such section 6603.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself, and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended by striking paragraph (3)(D), and inserting the following:

''(D) SPECIAL RULE FOR CERTAIN TUNA PRODUCTS.—

''(i) IN GENERAL.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels, ATPEA beneficiary country vessels, or Philippine vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country or the Philippines. Such duty-free treatment may be proclaimed in any calendar year for no more than—

''(I) 32,000,000 pounds of tuna harvested by ATPEA beneficiary country vessels or United States vessels, and prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country; and

''(II) 32,000,000 pounds of tuna harvested by Philippine vessels or United States vessels, and prepared or preserved in any manner, in airtight containers in the Philippines.

''(ii) UNITED STATES VESSEL.—For purposes of this subparagraph, a 'United States vessel' is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

''(iii) ATPEA VESSEL.—For purposes of this subparagraph, an 'ATPEA vessel' is a vessel—

''(I) which is registered or recorded in an ATPEA beneficiary country;

''(II) which sails under the flag of an ATPEA beneficiary country;

''(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

''(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

''(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

''(iv) PHILIPPINE VESSEL.—For purposes of this subparagraph, a 'Philippine vessel' is a vessel—

''(I) which is registered or recorded in the Philippines;

''(II) which sails under the flag of the Philippines;

''(III) which is at least 75 percent owned by nationals of the Philippines or by a company having its principal place of business in the Philippines, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of the Philippines and of which, in the case of a company, at least 50 percent of the capital is owned by the Philippines or by public bodies or nationals of the Philippines;

''(IV) of which the master and officers are nationals of the Philippines; and

''(V) of which at least 75 percent of the crew are nationals of the Philippines.''

SA 3436. Mr. GRAHAM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself, and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XLII, insert the following:

SEC. 4203. CREATION OF TARIFF-RATE QUOTA FOR ORGANIC SUGAR IMPORTS.

(a) AMENDMENT TO ADDITIONAL UNITED STATES NOTES.—Additional United States Note 5(a)(1) of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) in the second sentence, by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following: ''The quota quantity reserved for the importation of specialty sugars shall include a minimum quantity to be reserved for the importation of certified organic sugar in an amount not less than 12,000 metric tons to be

charged against the aggregate quantity for raw cane sugar or against the aggregate quantity for sugars, syrups, and molasses other than raw cane sugar in such proportions as the Secretary shall determine based on information available to the Secretary concerning the polarization of the certified organic sugar imported hereunder.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect not later than 15 days after the date of enactment of this Act.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself, and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XI, insert the following:

SEC. 1183. DUTY DRAWBACK FOR CERTAIN ARTICLES.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise was exported from the United States and entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended by striking paragraph (3)(D).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 2:30 p.m. in open session to receive testimony on the Crusader artillery system.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 16, 2002, at 9:30 a.m. in SH–216. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President's recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President's recommendation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, May 16, 2002, at 9:30 a.m. to conduct a business meeting to consider S. 1961, the Water Investment Act, and any other business pending before the Committee. The business meeting will be held in SD–406.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 10:30 a.m. to hear testimony on ''Tanf Reauthorization: Building Stronger Families.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 10:30 a.m. to hold a hearing titled, ''The Nuclear Posture Review.''

Witnesses

Panel 1: Admiral Bill Owens (USN ret.), Former Vice Chairman of the Joint Chiefs of Staff, Co-CEO and Vice Chairman, Teledesic LLC, Bellevue, WA; and Dr. John Foster, Jr., Former Director, Lawrence Livermore National Laboratory, Former Director, Defense Research and Engineering, Chairman of the Board, Pilkington Aerospace, Inc., St. Helen's UK.

Panel 2: Dr. Steven Weinberg, Winner of the Nobel Prize in Physics (1979), Professor of Physics, University of Texas, Austin, TX; Mr. Joseph Cirincione, Senior Associate and Director, Nonproliferation Project, Carnegie Endowment for International Peace, Washington, DC; and Dr. Loren B. Thompson, Chief Operating Officer, Lexington Institute, Adjunct Professor, Georgetown University, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 16, 2002, at 2:30 p.m. to hold a hearing to consider the nominations of Todd Walter Dillard to be United States Marshal for the Superior Court of the District of Columbia and Robert R. Rigsby to be Associate Judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 16, 2002 at 10:00 a.m. in Dirksen Room 226.

Agenda

Nominations

D. Brooks Smith to be a U.S. Circuit Court Judge for the 3rd Circuit, Richard R. Clifton to be a U.S. Circuit Court Judge for the 9th Circuit, Christopher C. Conner to be a U.S. District Court Judge for the Middle District of Pennsylvania, Joy Flowers Conti to be a U.S. District Court Judge for the Western District of Pennsylvania, and John E. Jones, III to be a U.S. District Court Judge for the Middle District of Pennsylvania.

Bills

S. 848, Social Security Number Misuse Prevention Act of 2001 [Feinstein/Gregg].

S. 1742, Restore Your Identity Act of 2001 [Cantwell].

S. 1868, National Child Protection Improvement Act [Biden/Thurmond].

S. 2179, Law Enforcement Tribute Act [Carnahan/Leahy/Schumer].

S. 672, Child Status Protection Act [Feinstein/Boxer/Graham/Kennedy/Hagel/DeWine].

H.R. 1209, Child Status Protection Act [Gekas/Jackson-Lee].

Resolution

S. Res. 268, A resolution designating May 20, 2002 as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens [Dodd/Lieberman].

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on May 16, 2002, at 2:30 p.m. on Examining Enron: Consumer Impact of Enron's Influence on State Pension Funds.

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

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training, be authorized to meet for a hearing on Career Path Training for Low-Skill, Low-Wage Workers: Exploring the Intersections between WIA and TANF during the session of the Senate on Thursday, May 16, 2002 at 10:00 a.m.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that during consideration of H.R. 3167, privileges of the floor be granted to Lauren Marcott, a State Department fellow on the staff of the Senate Committee on Foreign Relations.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from New Mexico, Mr. BINGAMAN, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

SEQUENTIAL REFERRAL OF S. 934

Mr. REID. I ask unanimous consent that S. 934, the Rocky Boy's/North Central Montana Regional Water System Act of 2001 be discharged from the Committee on Indian Affairs and then referred to the Committee on Energy and Natural Resources; further, that if and when the Committee on Natural Resources reports S. 934, then the measure be referred to the Committee on Indian Affairs.

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

REFERRAL OF S. 848

Mr. REID. I ask unanimous consent that S. 848, the Social Security Number Misuse Prevention Act of 2002, reported today by the Judiciary Committee, be referred to the Committee on Finance.

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

Mr. BAUCUS. Mr. President, the social security number was originally devised to administer the Social Security program. Despite the limited purpose for which it was intended, the social security number is now widely used by Federal, State and local governments, businesses, health care providers, educational institutions, and others for identification and recordkeeping.

The unintended consequence of this widespread use is that social security numbers have been used to facilitate a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

Because the Federal Government requires virtually every individual in the United States to have a social security number to seek employment, to pay taxes, to qualify for social security benefits, it is necessary and appropriate for the Federal Government to take steps to prevent the abuse of social security numbers.

Last year, Senator FEINSTEIN and Senator GREGG introduced a bill, S. 848, designed to protect social security numbers. Based on the fact that one section of the bill amends Title 18, the so called ''criminal code,'' and another section of the bill gives the Attorney General certain rulemaking authority, the bill was referred to the Judiciary Committee.

However, the purpose of this bill is to protect social security numbers, which as a matter of law falls within the scope of Social Security Act, which as a matter of jurisdiction falls within the purview of the Financial Committee.

The Social Security Act, which led to the creation of the social security number, has been amended numerous times to protect Social Security numbers and the Social Security Office of Inspector General has been given authority to enforce these protections. A careful review of S. 848 clearly shows that the preponderance of its provisions fall within the scope of the Finance Committee's jurisdiction.

Therefore, it is my view that this bill, S. 848, should have been referred to the Finance Committee.

Unfortunately, there is no provision in Senate rules to correct this mistake and refer S. 848 to the Finance Committee once it has already been referred to the Judiciary Committee.

When the Judiciary Committee scheduled a markup of this bill on May 2, Senator GRASSLEY and I sent a letter to the chairman and ranking member of the Judiciary Committee urging them to postpone markup until these questions of jurisdiction could be resolved. Following our discussions with Senator FEINSTEIN, Senator GRASSLEY and I have agreed to withdraw our objections to the Judiciary Committee proceeding to markup S. 848, based on the following three conditions:

First, in the event that S. 848 is reported out of the Judiciary Committee, it will be referred to the Finance Committee.

Second, it should be understood that this agreement to a sequential referral does not cede our claim of jurisdiction to this legislation and should not prejudice the referral of future legislation on this matter.

Third, it is my intention to have the Finance Committee consider S. 848 as soon as the committee schedule permits.

ORDERS FOR FRIDAY, MAY 17, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, Friday, May 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes each, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under the control of the majority leader or his designee; that at 10 a.m. the Senate resume consideration of H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act, under the previous order.

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

PROGRAM

Mr. REID. We appreciate the patience of the Presiding Officer. The Senate will vote on this matter tomorrow morning at approximately 10:30. Following disposition of the bill, the Senate will resume consideration of the trade act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:43 p.m., adjourned until Friday, May 17, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2002:

DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DENNIS L. SCHORNACK, OF MICHIGAN, TO BE COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE THOMAS L. BALDINI, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE NORMA V. CANTU, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL ELECTION COMMISSION

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007, VICE DARRYL R. WOLD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.