



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, NOVEMBER 27, 2001

No. 161

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont.

PRAYER

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

Gracious God, we return from Thanksgiving recess with gratitude surging in our hearts for all that You have done for us and given to us. We praise You for Your goodness, faithfulness, and unchanging love. During these past weeks since September 11, You have been our strength, courage, and endurance. You have given us exactly what we needed in each hour. Now in that same companionship with You, we face the challenges ahead. Grateful for the progress in the war against terrorism, we praise You in advance for victory in the battles still before us in Afghanistan. Remembering how You have protected the Senate family through the anthrax threat, we ask for continued patience and perseverance for the Senators and staffs displaced from their offices. Thank You for the interception of the anthrax-laden letter addressed to Senator LEAHY and continue Your protective care in the offices of Senator KENNEDY and Senator DODD.

Author of unity and source of oneness, may the spirit of patriotism equal to our Armed Forces in harm's way sway this Senate in the days ahead. Thank You for enabling dignity, creativity, and compromise that will get the work done expeditiously with ex-

cellence. We say with the psalmist: *O Lord my God, I will give thanks to You forever. Amen.*

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. JEFFORDS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DASCHLE. Mr. President, this morning the Senate will conduct a period of morning business with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

I ask unanimous consent that the Senate go back into morning business beginning at 2:15 p.m.

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

Mr. DASCHLE. At least one rollcall vote will occur during today's session between 4 and 5 p.m.

It is my intention to take up the railroad retirement bill today. We will make a motion to proceed to the bill shortly. After we dispose of the railroad retirement bill, my hope is that we can take up the farm bill. We are going to be taking both of these bills up, waiting for the Defense appropriations bill to be sent here from the House. We are not sure yet when that will be. My hope is it will be sometime before the end of this week.

Appropriations Committee chairman Senator BYRD has made it clear it is his intention to take up the bill in committee as quickly as possible, and then we will be prepared to take up the Defense appropriations bill as soon as or shortly after the Appropriations Committee has acted.

NOTICE

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Michael F. DiMario, Public Printer

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



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In addition to that, our hope is to take up the economic stimulus package. That is very important legislation that we hope we can finish certainly before the end of this session. The conference reports on appropriations—there are four conference reports still outstanding. We will want to address those as quickly as possible.

I also inform my colleagues that the Judiciary Committee is prepared to report out, as I understand, nine judicial nominees, including one circuit court nominee, this week. We will be taking up those nominees as soon as the committee has reported them out, in addition to other nominations.

I have not mentioned the terrorist insurance bill, the port security bill, counterterrorism, or bioterrorism legislation. There is a lot of work left to be done. My hope is we can complete our work on all of those pieces of legislation prior to the time we depart for the Christmas holidays.

Once again, the issue of energy has come up on a number of occasions. For good reason, it is a very important piece of legislation. The House has acted on an energy bill. We need to act as well. I have indicated it was my plan to take it up as soon as many of the issues relating to the response to the terrorist attack of September 11 could be resolved. Of course, we are still dealing with many of those issues right now.

We also are continuing to deal with what I think most Senators would agree is must-pass legislation; that is, the array of appropriations bills that have yet to be completed.

It is for that reason I don't know that we will have an opportunity to complete our work on an energy bill before the end of this session. I am prepared to commit to taking up the energy bill prior to the Founders Day recess; that is, during that first work period, between January 22 and the time we break for the Founders Day recess.

We ought to recognize that this bill is important. It is comprehensive, but it is also controversial. We are going to have to leave some time for debate on the legislation. It is my intention—and I intend to be more clear as I know what remains of this session when we come back—regardless of whatever additional legislation may be required to be considered in that first block of time, my determination, my commitment will be that we raise this issue, debate it, and have a good opportunity to consider energy legislation prior to the Founders Day break.

Mr. LOTT. Mr. President, I ask Senator DASCHLE, is he through?

Mr. DASCHLE. I am not through. I have a statement I will be making about further issues to be considered and raised. I am happy to yield.

Mr. LOTT. Mr. President, if the Senator will yield, I would like to ask some questions about the anticipated schedule he just outlined today.

One thing he didn't mention was the Education conference report. I under-

stood that some progress had been made in that area. It is one we have been working on all year. Certainly, trying to make a Federal commitment to improving education throughout America with more accountability and better education in general is something we all want to work toward. Did the Senator intend to indicate, by not mentioning it, that it is not likely to happen, or does he have any information on what we might anticipate on the Education conference report?

Mr. DASCHLE. I had a good conversation with the chairman of the Education Committee last night. He has given me a progress report. Clearly, if the conference completes its work, I want to bring up the education bill. Clearly, that is an issue of great import, as the Senator has noted. It is one that deserves the attention and priority of Congress and would be reflected in the schedule.

I did not list it simply because the conference has not completed its work, but if it completes its work, I will certainly be interested in pursuing an opportunity to take it up on the floor.

Mr. LOTT. Mr. President, if the Senator will yield, if that work is not completed, the majority leader does not anticipate that would interfere with the ability of the Labor-HHS-Education appropriations conference committee to complete its work?

Mr. DASCHLE. The Senator is correct. We have to complete the work of the appropriations process. Certainly that is an issue that has to be resolved.

Mr. LOTT. With regard to the Defense appropriations bill, that is the only appropriations bill that has not been considered on the floor of the House or the Senate while the other four conferences are continuing to work. I want to clarify when it is the Senator's intention to bring up the Defense appropriations bill.

I assume the House is going to begin work on it today and maybe complete action on it by tomorrow. We would then be able to go to it, I presume, Thursday or Friday. What is the majority leader's thinking on the Defense appropriations bill? Obviously, that is a very important bill because it provides the funds that are needed for the defense of our country at a time when, obviously, that is very important. It is being used in that very important engagement in Afghanistan, and it also contains the final \$20 billion for aid as a result of the September 11 events.

I am just concerned if we do not go to it as soon as is possible, that is the one of two things that will delay our ability to complete our work at least for this session of Congress.

Can the majority leader clarify more for the Senators what we might expect on the Defense appropriations bill?

Mr. DASCHLE. The distinguished Senator is absolutely correct. This is a critical piece of legislation. We have been waiting for the House to produce a bill on which we can begin working. They have had some difficulty in arriving at a consensus.

As I understand it, as the Senator has noted, the House now does plan to make another effort at reaching a consensus this week. Just as soon as the bill is sent here, I am quite sure the Appropriations Committee will take it up in their committee, and then at some point shortly after that, whenever that time may be, it would be my intention to bring it to the Senate floor for debate and passage.

Since we do not know exactly when the House will be able to send us a bill, it is not as clear to me when we can move on the Senate side, but just as soon as we have a bill, we will move.

Mr. LOTT. I had hoped Senator MURKOWSKI would be able to be here—I understand he is actually on the way in to the Capitol at this time—and other members of the Energy Committee who have been very concerned that we have not taken up national energy policy legislation before even now.

From what the majority leader is saying, it is his intent not to have an energy bill considered this year—at least he is not going to call one up—but he indicated he would call a bill up after we come into session, presumably January 22, in that 3-week period before the Founders Day recess period. Mr. President, is that what the Senator is saying at this point? He is not making any kind of commitment as to getting a product—I did not hear him indicate what product that might be because the Energy Committee, I do not believe, has actually completed work on the bill.

I guess the majority leader's intent would be to rule XIV some bill and call it to the floor under that procedure. Is that what his thinking is? I just want to clarify that as much as possible.

Mr. DASCHLE. The Senator is absolutely correct. We intend to bring up for purposes of debate and amendments and consideration a bill we will introduce next week. It will be rule XIV'd. It will be brought to the floor.

As the Senator knows, not just the Energy Committee, but the Finance Committee, the Environment and Public Works Committee, the Governmental Affairs Committee, and I think even the Armed Services Committee have all played a role in the creation of this comprehensive, multifaceted energy policy. Because it is so multifaceted and multijurisdictional, we chose to put a proposal together that will allow the Senate to work its will on energy policy during that period of time.

That bill will be, as I say, introduced next week, available to all Senators for the period we are not in session. It would be my expectation we would take the bill up—not only my expectation, but my commitment that we will take the bill up during that first work period.

Mr. LOTT. It is of great concern to me and a number of Senators that we are not going to be able to consider an energy policy for our country before the end of the year, especially in view of the fact we see now continuing uncertainty about what is going to be done by the OPEC countries.

I have a great deal of concern that we are dependent on Iraqi oil and even Russian oil, although Russia clearly has been helpful in this instance in not cutting the supply which would drive up the prices at a critical time.

I think we should have already done an energy bill, and we should do one before we go out. I believe once we actually get on to an energy bill, many portions of it can be handled rather expeditiously. Clearly, there is a disagreement about oil production in ANWR, and we will have to work through that with a vote or votes just to see what happens.

While we are being told we are not going to do an energy bill, I understand the majority leader's intent now is to call up the railroad retirement bill which has not been reported from the Finance Committee and clearly is not an emergency, even though it does have support on both sides of the aisle. It is your intention to try to call up the railroad retirement bill today; is that correct?

Mr. DASCHLE. The Senator is correct. The railroad retirement bill has 74 cosponsors. It is overwhelmingly supported on both sides of the aisle. I do not recall the exact vote in the House, but it passed overwhelmingly in the House. I know well over 300 House Members voted for it.

This is a matter of great concern to a lot of railroad retirees. We were hoping that while we wait for the Defense appropriations bill, we could take up a couple of pieces of legislation that deserve consideration, and that certainly is one of them.

Mr. LOTT. And the other one is Agriculture, even though the agricultural law for the country does not expire until next year. This bill came out of committee. Even though it was reported on a voice vote, I think the critical vote was pretty much a party-line vote.

There are a lot of problems with this legislation. I do not see that it could be handled quickly with all the different problems that are in this bill. So the majority leader's intent would be to try to go to railroad retirement today and then Agriculture after that, and then go to the Department of Defense appropriations bill after those two?

Mr. DASCHLE. The Senator is correct.

Mr. LOTT. All of that is building up to one critical question: Where is the stimulus bill? If we really want to help the unemployed in this country with their unemployment benefits and health benefits and to stimulate the economy with some provision that would give a quick jump-start to the economy, including possibly this idea

that Senator DOMENICI has been proposing, which would be a payroll holiday during December which would have a tremendous immediate impact for employees and employers and come at a critical time of the season—it sounds to me as if the Senator's intent is just to shuttle the stimulus bill off to the side with no indication as to when it may come back and, as a matter of fact, if you try to go to railroad retirement and do not get consent, I presume the majority leader would file a motion to proceed. That would be fully debatable. You would file cloture, and there would be a vote on it on Thursday, I presume. Then we would be off the stimulus bill. So the stimulus bill would be not only moved off to the side, it would be completely brushed aside.

It looks as if, to me, for the defense of our country and to help the economy of this country, the two bills we ought to be focusing on are, obviously, Defense appropriations, which the Senator has indicated we want to try to do, and the stimulus bill ahead of anything else.

I wish to express my concern we should not be doing anything else until we get an agreement worked out on the stimulus bill. I still am an optimist that we can come to an agreement on the stimulus bill that would help the unemployed and help those who need health benefits in this country and provide a boost to the economy in a quick fashion that would provide positive, immediate benefits without long-term negative effects and would actually encourage growth in the economy.

So I wanted to express my concern about that, and I hope as the day progresses and we go over into tomorrow we will continue to work to find a way to get that done.

I thank the Senator for yielding.

Mr. DASCHLE. If I could respond to the Senator from Mississippi before he leaves, I will ask him a question. He asks: Where is the stimulus bill? I remind him, prior to the Thanksgiving recess, the Republicans defeated cloture on the stimulus bill. They are filibustering the stimulus bill as we speak.

There is one way to break that filibuster and to get on with ensuring we can get a stimulus package even this week. I ask the Senator from Mississippi if he would sit down with me and with our Republican and Democratic colleagues in the House and negotiate a package that addresses homeland security and revenue tax reduction, and do it this afternoon. If he is willing to agree to a meeting of that kind—which they have not been willing to agree to so far—we can get to work and get an agreement certainly before the end of the week.

Will the Senator from Mississippi agree to do that?

Mr. LOTT. I certainly would be more than delighted to sit down with the members of the Finance Committee in the Senate and the Finance Committee

in the House to work on a stimulus package that would provide immediate growth in the economy.

As the Senator knows, unfortunately the bill that came out of the Finance Committee came out on a straight party-line vote, and when the bill came to the Senate, an additional \$15 billion in spending—I believe that is the right number—had been added for homeland security, which I think is certainly a debatable issue as far as its stimulative effect is concerned.

It might be argued some of those funds might be needed at some point, although those funds have not been requested by the administration. There have been no committee hearings, that I know of, that have justified that expenditure. Therefore, to have a negotiation on appropriations is not the way to proceed. We should proceed on the bill that came out of the Finance Committee.

There was not a cloture vote. The vote was on a point of order, as I understand it, which does require 60 votes, because this bill in its present form clearly exceeds the budget.

I made several efforts, and so has the Senator from South Dakota, I believe, before the recess to see if we could get the negotiations started immediately between the House and the Senate. For a variety of reasons, I guess, that did not happen, partially because it was a continuing demand to have negotiations on this additional \$15 billion, which can be added to other bills. I understand it may be offered as an amendment, either in committee or on the floor, to the Defense appropriations bill.

Mr. DASCHLE. If I could clarify, because I think the Senator has put his finger on exactly the issue. The Democratic position on economic stimulus is—and the economists have all verified this—there are two ways to stimulate the economy. One is through spending, and our homeland security package would provide spending for bioterrorism, for law enforcement, for an array of very specific needs. In fact, the Director of Homeland Security said there is a specific array of needs he should have, and he would like to have them sometime next year. What we are saying is if they are important next year, they ought to be important this year. We are saying that is part of it.

The other is tax reduction. Is the distinguished Republican leader saying that as long as homeland security is part of our package, they will refuse to have the meeting to find some resolution to this issue?

Mr. LOTT. The principles I thought we were proceeding on were: We wanted to have a stimulus package that would have an immediate effect, not one that would have an effect 6 months or 1 year from now; also, it would not have negative long-term effects, such as driving up the deficit significantly and therefore eventually affecting interest rates; and it would have an immediate stimulative effect.

We believe adding \$15 billion on top of the additional expenditures that were added in the Finance Committee—and I am not sure what the total amount of money was that was added in spending in the Finance Committee, but it probably would put it in the range of \$20 billion to \$25 billion in additional expenditures, which is not the way to stimulate the economy. Again, it may be argued that at some point it should be considered separately.

The President has indicated that when they need additional funds, they will ask for additional funds. The President has specifically said they do not need these additional funds at this time. As I noted a while ago, there have been no hearings on this, but as long as there is an effort to turn this into another major spending bill, that is a problem. We should sit down and negotiate on the bill that came out of the Finance Committee and work out an agreement. That is the way to go, and that is what we are going to insist on. We are ready to do that at any time.

Mr. DASCHLE. I know there are a lot of Senators who wish to speak, but the Republican position is that so long as Democrats hold a view that in addition to tax cuts and whatever can be generated legislatively from the Finance Committee, that there is a very legitimate need for immediate additional commitment to homeland security, fighting bioterrorism, fighting the array of challenges we face in defending our infrastructure, making sure people have adequate law enforcement to deal with the array of challenges we face even at the local law enforcement level—so long as that is part of our economic stimulus package, the Republican caucus is refusing to meet. That is the issue.

So far, they have also refused to even deliberate on a bill that allows consideration of that, given their points of order or whatever other choices of parliamentary devices are available to them. So that is the issue.

I have offered three alternatives. Let us have a good debate. Let us decide what we are going to do in the Senate. Let us have a meeting to see if we can resolve both the spending and the revenue side. That was unacceptable.

I suggested then let us have separate meetings, one for appropriations. If their position is it ought to be zero and our position is it ought to be \$15 billion, perhaps if there is a real desire to compromise and work this out to resolve our differences, we ought to be able to find some middle ground between zero and fifteen. The Republicans are saying, no, we do not even want to meet so long as that is an issue. So they are not willing to agree to separate meetings to talk about revenue and appropriations.

Finally, I suggested, if we take it up as an amendment to the Defense appropriations bill once it comes to the Senate and have a good debate about that,

can we be guaranteed the Republicans will not use whatever parliamentary device may be chosen to deny the majority the opportunity to pass that? Again, they could not provide us with that assurance.

I know the distinguished Republican leader's suggestions are sincere and heartfelt. We have had many private conversations about the belief that he and I could probably work something out. He has a caucus to work with, and so do I. We do our best to try to represent our caucuses, but the Republican caucus has made it quite clear they are in no hurry to pass economic stimulus so long as economic stimulus is defined as, at least in part, an investment in homeland security. Never mind that it was reported in the Washington Post last week that the administration has \$127 billion of homeland security needs that are unattended right now. Never mind that the Director of Homeland Security said we have to have a lot more money, a lot more resources in homeland security than what we have right now.

He said, I am going to propose a supplemental next year. We are saying that if it is needed next year, and if the serious recognition of the need for homeland security is evident to him now, why do we wait until next year to deal with something we ought to do now? Especially when it involves improving the confidence level of the American people so they will lead their lives normally and restore this economic vitality that was so much a part of the last 8 years.

I will work with the Republican leader to try to find a way to resolve this impasse. As I said, we are willing to sit down anytime, under any circumstances, and meet, so long as both pieces are on the table. That is the Democratic caucus position. To my knowledge, it is shared by virtually every member of our caucus. So we will continue to try to work through that.

Mr. NICKLES. Will the majority leader yield for a comment?

Mr. DASCHLE. I am happy to yield.

Mr. NICKLES. I remember when the majority leader was minority leader and also trying to protect President Clinton. He did an outstanding job in so many ways. Well, President Bush has already said he did not want additional spending this year; he would consider the spending next year. Some of us will work to protect that. We think we have the votes to do that.

I also urge the majority leader to stay on the stimulus package. That is the regular order. That is the bill pending. I think the majority leader's request, to move off of that and pass railroad retirement, will not happen easily. There is strenuous opposition. There may be a lot of cosponsors but maybe not everyone read the bill. Maybe the bill never had a hearing in the Senate. In fact, it has never had a hearing in the Senate. It is a \$15 billion giveaway. It cuts taxes for a few firms for a few billion dollars and raises ben-

efits and in 10 years has a heck of a problem. We will spend a lot of time on that bill.

I urge that the Senate stay on the stimulus package. There are challenges facing the Agriculture bill, which will not pass in a day or two. That bill has significant problems. Let's stay on the stimulus bill; let's work together to see if we cannot resolve some of the problems and actually help the economy. That is my request and my urging of the majority leader.

I want him to know at least a couple of the bills he was talking about taking up, which imply these can pass in a couple of days, will not happen. I give friendly advice to my friend and colleague, that will not happen.

I would like to have a fruitful, productive 2 or 3 weeks, whatever we will have to finish out this year to have some success in the appropriations and on the stimulus package. I was hoping we would do an energy package. The President has requested we do the energy package. The House passed it months ago. We have yet to consider it. I understand your priorities are different. I make those thoughts known to the majority leader that there will be strenuous objection to the railroad retirement bill, using procedural devices that are available to all Members so people can become familiar with this bill. So it will not pass quickly.

I urge staying on the stimulus bill and have unlimited meetings to get the stimulus bill completed this week or next.

The PRESIDING OFFICER (Mr. CORZINE). The Majority Leader.

Mr. DASCHLE. If I could respond briefly to the Senator from Oklahoma, I appreciate, as always, his honesty and forthrightness in telling his colleagues of his intentions on the railroad retirement bill.

He mentioned one of the reasons we ought to stay on the economic stimulus bill is the House has passed it and we ought to pass it. The House, many, many months ago, passed the railroad retirement bill. The House several months ago passed the farm bill. If that is the criteria by which we decide what ought to be taken up, I would think there is a strong argument both railroad retirement, as well as the Agriculture bill, ought to be addressed.

The distinguished Republican leader was asking a similar question, What is the hurry in bringing up the farm bill? He noted the farm bill expires next year. That is the answer: The farm bill expires next year. More than a dozen national farm organizations wrote a letter yesterday pleading with the Congress, pleading especially with the Senate, to take up the bill, unencumbered, to pass it cleanly, to get on to conference and resolve our outstanding differences with the House and get this legislation passed this year. Farmers need to know what the circumstances are going to be next year when the current farm legislation expires. They need to have time to plan.

The Department of Agriculture needs time to adjust to the array of changes that will occur in public policy once this takes effect. That cannot be done overnight. If we don't do it now, it will encumber and perhaps impede in very serious ways the Department's ability to provide continuity in farm policy next year. This is very clearly a must-pass piece of legislation.

The Republican leader also made mention of the fact we had agreed in earlier bipartisan meetings about making sure the stimulus package is immediate and cost contained. He is not here, and I will not belabor this point because he is not here, but I certainly urge the Republican leader to go back and look at his own bill. If he is concerned about that, my guess is he will vote against the Republican bill in the Senate Finance Committee. It is twice the size of the Democratic plan. It is \$175 billion. We agreed it would only be a \$75 billion package overall. The House Republicans are proposing a \$175 billion package, and most—I emphasize "most"—of the provisions do not take effect this year. Most of them take effect in the outyears. There is almost no stimulus effect and it is twice the cost of the agreed-upon amount of stimulus we were going to provide this year.

I urge our Republican leader to look closely at his bill. I am sure he will come to the same conclusions I have with regard to his legislation if, indeed, those criteria are important to him as well.

I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. If I might ask a question of the majority leader, this has been a very curious exchange because those who cast votes to knock the stimulus bill off the floor of the Senate are now inquiring of its whereabouts. This is not exactly a "where is Waldo" exercise. We know where the stimulus package has been and we know where it is.

It came to the floor of the Senate and a point of order was raised against that stimulus package. That same point of order would exist against the Republican substitute. The same point of order would exist against the House stimulus bill, but the point of order was raised against the bill that the majority leader brought to the floor of the Senate. That knocked the stimulus bill off the floor of the Senate.

Now the inquiry this morning, by those who voted that way, is, Where is the stimulus bill?

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I retain the floor.

Mr. DORGAN. I ask the majority leader, is it not the case that the stimulus bill was brought to the floor of the Senate by action of the majority leader and that it was subsequently taken off the floor by a vote of those who now inquire of its whereabouts?

Mr. DASCHLE. The Senator is absolutely right. Technically, it is not taken off the floor, but it is still pend-

ing. A point of order was raised and Republicans supported the point of order, as you know, and this is an important point. The identical point of order could have been made against the House Republican bill. We chose not to do that. Our view is if we are going to try to create a bipartisan resolution here, we don't need a partisan conflict about the way we ought to proceed to getting to that resolution. That is exactly what has now been done by the actions taken by our Senate Republican colleagues. The very same point of order could have been raised against the House bill. Again, we chose not to do that.

I appreciate the Senator's comments.

Mr. DORGAN. If the Senator will allow me to inquire a further time, is it not the case that the only way we are going to get this stimulus package completed is to have all of the parties negotiate this? After all, we are only a couple of weeks prior to the end of the legislative session. It is urgent we pass some kind of package to provide economic recovery and provide lift to this economy.

All of the parties involved—the House, the Senate, and the President—proclaim we want to have some kind of stimulus package. Is it not the case that the best, most effective and perhaps quickest way to resolve this issue would be to have the affected parties begin to negotiate and begin to develop a compromise so the American people can get the feeling we are going to get this done; wouldn't that be the most effective way to proceed?

Mr. DASCHLE. The Senator is absolutely right. I have not participated in a negotiation where the price of admission was lopping off at least a third of the entire package before you even sit down to negotiate the first sentence. That is the price of admission on the part of our Republican colleagues today. I have never participated in something such as that.

What makes it all the more ironic, reading from the New York Times, November 22:

Tom Ridge, the Director of Homeland Security, said today he would seek substantial new spending in President Bush's next budget, placing a priority on more agents and equipment for strapped federal law enforcement agencies and urgent improvements in public health facilities.

I repeat: Strapped Federal law enforcement agencies and urgent improvements in public health facilities. This is not something that says they are going to be strapped. These are not urgent needs next year. These are urgent needs right now. He has identified them.

The question is, If we are going to deal truly with economic security and vitality, if we are going to try economic stimulus, what is wrong with an immediate stimulation into those areas where we need it the most—law enforcement and the health agencies that need help right now, as identified by this administration?

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. Again, I think the Senator is absolutely right. But, again, we are willing to negotiate all this. We are willing to sit down with our Republican colleagues. We were willing to debate it until they made the point of order. They said: No, we are not going to debate it because we don't like it. No, we are not going to meet with you because we don't like it. But then they come to the floor and say: Where is it?

I think the Senator is absolutely right, this is an exercise in curious judgment about the need for economic stimulus if that is the approach taken by Republican colleagues.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I will be happy to yield in a moment.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I want to make sure I understand the context. The bill we on the Democratic side support would not only have tax breaks for working Americans and for those who have been unemployed, to give them some assistance, it would also provide business incentives for depreciation, for example, and for capital investment. But the stimulus plan, the recovery plan we are supporting, also makes an expenditure for homeland security.

I would like to ask the majority leader if he has run into the same thing I have run into. My Republican Governor in my State has come to me and said that our State of Illinois needs \$20 million for a statewide communications network for police and firefighters to deal with crises and emergencies. My State, as most States, is running short of revenue in this recession. He has asked for help from Washington.

Is it my understanding that the spending stimulus package the Democrats support would provide assistance for that kind of law enforcement, firefighting, and first response capability. Is that what we are asking for, which was denied us in this point of order that was raised on the floor?

Mr. DASCHLE. The Senator from Illinois is absolutely right. I recall having several bipartisan meetings with economists. They said there were three things you really ought to do if you are going to stimulate the economy: First, it has to be immediate; second, it has to be temporary; and third, to the extent possible, you have to raise the level of confidence among the American people. That is exactly what this homeland security package does.

It is immediate. It is temporary—it provides a one-time opportunity for us to assist the law enforcement officials to whom I am talking as well. And it will raise confidence among the American people. People are not confident today, and they will not be confident until they know their security is much more palpable, much more evident than it is right now.

Mr. DURBIN. If I could ask the majority leader as well, in the spending

side of our stimulus package, does not the issue of public health become an important consideration? I know people across America are concerned about bioterrorism and public health. It is my understanding what we are trying to do is provide additional money for public health agencies across America to protect our families and communities against the threat of bioterrorism. That is part of our economic stimulus package, which the Democrats support, which the Republicans stopped with their point of order.

I heard a statistic which I think really tells the story about priorities. It is my understanding the Bush administration has asked for \$300 million nationwide to help local and State public health agencies, while the House Republican stimulus bill has \$1.4 billion in tax relief for one company, one corporation.

Mr. SPECTER. Mr. President, is the Senator from Illinois asking a question or making a statement?

Mr. DURBIN. I would like to ask the majority leader, does the stimulus package which we want to make part of this effort in the Senate, the Democratic stimulus package stopped by the Republicans, also include provisions for more resources for public health to protect communities across America?

Mr. DASCHLE. I will respond to the Senator from Illinois. I know there are other Senators waiting. I do not want to monopolize the floor. But let me say this. The answer is yes. I guess I would ask my Republican colleagues, which part of the homeland security bill do you oppose: The bioterrorism and food safety bill that allows for \$3.3 billion to ensure that we can recognize the pathogens and treat victims of all of the array of bioterrorist possibilities that are out there? Improved State and local communication systems? Accelerating the purchase of smallpox vaccine? Is that the part you are opposed to? How about law enforcement?

This bill includes \$4.6 billion to provide additional help to law enforcement so they can deal with the tremendous challenges they are currently facing, and for which there is no funding.

How about transportation security? This provides for \$3.2 billion to ensure that there is protection, given the tremendous vulnerability that there is in our infrastructure right now. Is that the part they are opposed to? Would they oppose transportation security?

Finally, providing some help to our mail and our Federal computer systems? We provide for Federal facilities to ensure that we can better screen the mail. No one is more sensitive to screening mail right now than I am. But there is an array of very specific investments in homeland security to protect our mail and to make our computer systems more efficient. We have some of the most archaic computer systems, in many of our Federal agencies, that you can find in the country. We have to update them if we are serious about homeland security. Is that the part they are opposed to?

Which part of this do they not like? That is a really serious question.

I will be happy to yield to the Senator from Oklahoma for a question.

Mr. NICKLES. I will try to make it a question. I think the Senator from Pennsylvania is making a good point; I think we are entitled to ask questions. I don't think we are entitled to make statements.

You asked several questions. Which part of this don't we like? If you read Director Ridge's statement, he said "in next year's budget." Some of us do believe in budgets. Some of us do believe we had a deal with President Bush that said \$686 billion on October 5, plus \$40 billion. We have not even finished spending the \$40 billion. Many of the things you suggested might well be in that \$40 billion and are good causes. And "budget" is a key word.

President Bush has said he believes there is ample money in the \$686 billion and the \$40 billion to meet the needs, things that are needed now. The items the Senator listed were not requested by Director Ridge. They might be in next year's budget, and they may have offsets from other spending to pay for those needed items. The budget is a key item. We should have a budget.

We agreed to \$686 billion, and then we added \$40 billion on top of that, and then we did \$15 billion for airline security. We did untold billions in victims' compensation. No one knows how much that will cost. So some of us are saying, wait a minute, let's slow down just a minute on the spending. Let's at least request it be requested by the President.

Again, I compliment my colleague. You defended your President very well—President Clinton. Some of us want to defend President Bush, trying to make sure we do not go too far, too fast on spending.

Again, many of those items you have mentioned may well be in the second \$20 billion that we have yet to allocate and appropriate. So that is part of the reason some of us are saying let's be reasonable; let's have a stimulus package that still can go for stimulus. Most of the stimulus package—just to make the comment—a lot of us believe should stimulate the economy, not be another excuse for spending.

I wish to answer my colleague's question. You are saying, which one of these items are we against? We are not saying we are against any of those. We think they can be accommodated in the \$40 billion that is yet to be totally allocated by this Congress.

Mr. DASCHLE. Mr. President, I appreciate the answer of the distinguished Senator from Oklahoma. Let me just say, though, every economist I have talked to has said you can stimulate the economy with spending or with tax cuts. What I find always intriguing, and somewhat amusing, is our Republican colleagues say spending ought to count, tax cuts don't count; we ought to spend as much as we want to with tax cuts, and they don't count;

we are going to oppose totally the first dollar of additional homeland security investment; that is, spending; but we are going to propose \$175 billion in tax cuts because that is not spending.

We had an agreement, they said, on \$686 billion in appropriations. Well, we also had an agreement on a tax cut that a lot of people did not like but now have reconciled to because it is law. It passed. It wasn't my part of the agreement, but it passed.

Now the President says: Oh, wait a minute, we want another \$175 billion of additional tax cuts over the \$1.8 trillion we passed last spring because we don't have enough yet. We want to stimulate the economy a little bit more with \$175 billion, drawing down the Treasury, drawing down Medicare, drawing down Social Security, drawing down all the retirement funds to pay for this tax cut, a tax cut that largely doesn't take effect until outyears, years after this one. There is nothing immediate about it at all. I find that very amusing.

We will continue to have this debate. But the whole point is simply this: There are understandable positions that both sides will take in these philosophical debates. I believe there is a right and a wrong way, and they believe there is a right and wrong way. But the only way we are going to find common ground is to meet. Perhaps the most important point in answer directly to the Republican leader's question about what we are going to do with economic stimulus is, I say, let's meet. I propose we meet at 11:30. Let's have a meeting with all of those involved. Let's resolve these differences. They are saying not until you take half of yours off the table. We can't do that. I think every Republican will understand why.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. DASCHLE. Mr. President, I yield to the Senator for a question.

Mr. DORGAN. I will make it brief, if the majority leader will yield for one question. I know our colleagues are waiting. They certainly have the right to ask a question. I appreciate the majority leader allowing me to do that.

We just heard a discussion about what we can't afford with respect to homeland security, something that the Senator from South Dakota believes very strongly ought to be a part of the stimulus package.

Is it not the case that some of those same folks who say we can't afford to have homeland security spending in the stimulus package believe that we can afford retroactive tax cuts going back to the 1980s to provide up to \$1 billion in checks to one company, for example, for alternative minimum taxes they paid in the last 12-13 years? The same people say we can afford that. That is OK. It is not stimulus, by the way. But we can't afford the investment in homeland security. Isn't it the case that there is a huge contradiction?

Mr. DASCHLE. It is not only a contradiction, it is a sad irony that somehow in the name of economic security we can, according to their approach, pay a company \$1 billion-plus, but we can't find a way to pay for \$1 billion in bioterrorism and food safety. We can't afford that. But we can afford \$1 billion retroactive payments to some of the largest corporations in the country. How ironic. How incredibly misguided that is. Yet that is the debate.

Mr. DORGAN. That totals \$23 billion.

UPON RETURNING FROM THANKSGIVING

Mr. DASCHLE. Mr. President, last week, as I was celebrating Thanksgiving with my family, I was reminded of the history of the holiday. We often forget that Thanksgiving was not always a feast of abundance.

The Pilgrim's first Thanksgiving, in 1621, didn't begin with plates full of turkey and vegetables, but with five small kernels of corn at each setting. For the Pilgrims, it served as a stark reminder of the hardship, struggle, and starvation they had suffered the previous winter.

It wasn't until 1863 that we had our first national Thanksgiving. In the autumn of that year—at the height of the Civil War—Abraham Lincoln proclaimed a national day not to honor abundance, but to remember “all those who have become widows, orphans, mourners or sufferers.”

And so, to me, this Thanksgiving came closer to the original meaning of the day: a day to remember, in the midst of hardship, that we have so much to for which to be thankful. A day to remember, in the midst of comfort, the many who are suffering.

In the last 2 weeks, I have been asked by many people and many of my colleagues what the Senate intends to do before the end of the year.

There are a number of things I would like to get done, but I believe that nothing we do here in the Senate is more important than helping those who are suffering, and passing an economic recovery plan.

Last month, we saw the largest jump in the unemployment rate in 21 years.

Yesterday, a panel of economists announced that our Nation has officially entered a recession.

For the more than 7 million Americans who are out of work, this Thanksgiving was a time of uncertainty.

For all Americans, this has been a season of deep concern about threats to our safety.

America needs an economic recovery plan that lifts our economy, secures our Nation, and remembers those who are suffering.

It is time for us to renew our efforts to pass such a plan.

In the weeks following the September 11 attacks, Democrats and Republicans in both the House and the Senate asked the experts: “What are the most effective steps we can take to shore up our economy?”

Here is what they told us: Put money into the hands of low- and middle-income workers; they are the ones who will spend it quickly. Make sure that workers who have lost their jobs receive unemployment benefits. And cut taxes for businesses—but limit the tax cuts to those businesses that actually help create jobs.

They told us that any plan to stimulate the economy should help people regain the sense of security they need to shop, travel, and invest.

Finally, they said our plan must be affordable, and temporary.

Based on those conversations, the House and Senate budget committees agreed to four principles that should underpin any economic stimulus measure we pass.

With their principles as our foundation, and those discussions as our guide, we began negotiations on how best to help our economy recover.

Unfortunately, Republican leaders in the House chose to withdraw from that effort.

Instead, they pushed through—on a party line vote—a bill that is not a recovery bill at all, but merely another laundry list of tax cuts—with the lion's share going to profitable businesses and wealthy individuals.

It includes next to nothing for laid-off workers—the very people who most need our help. And, with an exploding price tag, it runs the risk of actually hurting our economy in the long term.

In the Senate, we sought a better approach. Even after Republicans in the House walked away from the negotiations, Senator BAUCUS continued to call for bipartisan meetings on the Senate side. In the end, he and his staff held nearly a dozen of them.

He put together a serious bill that: extends unemployment benefits and health care coverage for unemployed workers; cuts taxes for families who didn't get a rebate as part of the tax cut passed earlier this year; cuts taxes and for businesses that will invest and create jobs; and, with provisions authored by our distinguished chairman of the Appropriations Committee, Senator BYRD, strengthens our homeland security with investments in things like infrastructure security and bioterrorism preparedness.

The Wednesday before Thanksgiving, that bill was killed by a budget point of order—a procedural technicality which said that what we are facing is not an emergency.

Republicans said they opposed our economic recovery plan because the bill contained too much spending.

Democrats feel strongly that homeland security provisions should be a part of any economic recovery package.

These measures not only make important investments to secure our food and water supply, ports, bridges, tunnels, as well as our stockpile of antibiotics and vaccines. They also give people the sense of confidence they need to shop, travel, and invest.

The past couple of weeks have reminded us again about the importance of homeland security. We have seen another anthrax death, this time in Connecticut, and the FBI found an anthrax-tainted letter sent to Senator LEAHY. The President's Director of Homeland Security, Tom Ridge, has indicated that billions in additional funds are needed to make America safer. In fact, it was reported that, in the wake of September 11, Federal agencies have asked the White House for \$127 billion more to recover from that assault and beef up security according to David Broder in Sunday's Washington Post.

Defending against anthrax, making our infrastructure safer, protecting our water supply—these things are not pork. They are necessary goals, and an important part of any stimulus package.

But despite my commitment to the homeland security provisions, I have indicated my willingness to negotiate them separately in the name of reaching an agreement.

That idea was rejected.

We also offered to debate only the economic recovery component, if Republicans would allow us an up or down vote on homeland security as an amendment to the DOD appropriations bill.

That proposal was also rejected. That was 2 weeks ago. And since then, I have heard nothing.

We are at the table, ready to negotiate. It is time for Republicans to get serious about reaching a compromise, and come join us at the negotiating table. This is not time to play politics with our economy and our security.

In the meantime, perhaps our Republican colleagues would find it less objectionable if we consider, individually, the components of our plan on which we are all agreed. I will ask unanimous consent at a later time to bring up just the part of our plan that helps laidoff workers.

Extending unemployment insurance is more than the right thing to do, it is the smart thing to do. It puts money into the hands of people who are most likely to spend it immediately. As Robert Rubin has said, unemployment insurance is “a near-perfect stimulus.”

During the first Bush administration, when we were facing a recession, Democrats and Republicans agreed to extend unemployment insurance four times. I believe we can agree to do the same now.

Everyone in this body has said that they want to help the workers. But the voices of delay always claim they want to help the workers.

If you want to help the workers, you will have an opportunity to do so today.

In the days ahead, we can continue our work to protect America's families from terrorism, and discuss what kinds of tax cuts will be most effective in helping the economy.

But when we talk about helping the hardest hit, we need to realize that the

people we are talking about don't have unlimited savings. The holidays are fast approaching, and this delay is a luxury they literally cannot afford.

Our Republican colleagues have a new mantra. They say, "We need paychecks, not unemployment checks."

I think they should talk to some laidoff workers. Yes, they need a paycheck. And like most hard-working Americans, they don't want the Government to do anything for them that they can do for themselves. But right now, many of them need just a little help to make it through one of the most difficult times in their lives.

As we return from Thanksgiving, we have an opportunity to honor the true meaning of the holiday—to remember those left behind and left out, to lift those who are suffering, and to make our Nation—this land for which we are all so thankful—even stronger in the future.

So when people ask me what the Senate intends to do in the next couple of weeks, that is my answer, and that is my goal.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

SENATE PROCEDURE

Mr. SPECTER. Mr. President, I ask the majority leader to stay in the Chamber for just a moment, if he would accord me that courtesy. I have sought to raise a procedural inquiry because of what has just happened. I have been in the Chamber for a little more than an hour waiting my turn. The majority leader took care of very important calendar business as we started the process, and then moved on to other important matters. I have been here for 21 years, and I know that who has the floor may yield for a question. There are also artful ways to ask a question.

I have sought a procedural ruling on whether they really were questions because when you make a statement for a protracted period of time and then end it with a question, the Chair may sustain that, especially when the majority leader is involved.

But I want to make a point with the majority leader's presence and one of the other Senators who was asking questions as a matter of our fair play and procedure. I don't think Senators have to wait for an hour while there are other people who gain recognition

where there really aren't questions but speeches.

I thank the majority leader for staying to listen to my point because it is just possible that this may reoccur sometime in the future.

STEM CELL RESEARCH

Mr. SPECTER. Mr. President, I have sought recognition to make a substantive—

Mr. BROWNBACK. Mr. President, I would like to ask the majority leader a question before he leaves the Chamber. Will the Senator yield?

Mr. SPECTER. No, I will not yield. I have been here for more than an hour. There is an issue which I want to raise; that is, a response to very extensive publicity on the cloning issue where there is generalized agreement, which this Senator concurs, in that there should not be human cloning. There is a confusion. I have sought recognition and, as I said, I have waited an hour to note the distinction on what "therapeutic" is and what is frequently used with cloning under the name of therapeutic cloning, which is, in fact, not cloning at all.

More accurately, it is denominated by the scientists as somatic cell nuclear transfer, which, while in the loose jargon is sometimes called therapeutic cloning is, in fact, not cloning at all.

Yesterday, the President spoke out against reproductive cloning. I am entirely in agreement with that. My distinguished colleague from Kansas, Mr. BROWNBACK, and I have had a number of discussions on this issue. I told Senator BROWNBACK that I was going to come to the floor at 10:30 to seek recognition because I wanted him to have the opportunity to be present. I am sorry I said 10:30. I should have said 11:30 to save an hour of time. But I think this is a distinction which needs to be made.

What is involved is a technique which involves taking the genetic material out of an unfertilized egg and inserting, in its place, the DNA of an adult cell. In theory, the egg then uses the genes from the adult cell to direct its development to turn an embryo into an exact genetic copy of the donor of the adult cell. This is done for the purpose of therapy.

If someone has Parkinson's or Alzheimer's, or if someone needs a stem cell replacement related to cancer or to heart disease, this procedure then enables that individual to get a stem cell which is consistent with the body which will not have an adverse impact on the person who is being treated.

Where you talk about the issue of embryos which then produce life, I would never support any approach which took an embryo that was capable of producing life or destined to produce life.

This issue of stem cell research came upon the scene in November of 1998. Then the Appropriations Subcommittee on Labor, Health and

Human Services, and Education took up the issue, which I chaired at the time, to take a look at what was involved with embryos being created for in vitro fertilization where, customarily, approximately a dozen are created, and three or four might be used. The rest would be subject to being discarded.

The controversy arose because of legislation that had been inserted in an appropriations bill, which originated in our subcommittee, which prohibited Federal funding to extract stem cells from the embryos. But under the ruling of the Department of Health and Human Services several years ago, Federal funding could be used on the research of stem cells after they were extracted. There had been considerable sentiment in the Congress, including the Senate, to use Federal funding on stem cell research because of the tremendous funding which is available to the National Institutes of Health.

Therefore, some 64 Senators last spring and summer signed letters in one form or another saying that they thought there ought to be Federal funding on these stem cell lines. In addition to those 64 Senators, some 12 other Senators had expressed privately to me their view that there should be Federal funding on the stem cells but thought it not advisable, from their own point of view, to put it in writing.

A fair sized ground swell was noted in the Senate to that effect—64 and 12, 76. The President then, as well known, on August 9 at 9 p.m. came down with the decision that the 64 stem cell lines then in existence would be used with Federal funding for stem cell research, and that drew objections from people who thought it went too far on Federal funding to utilize the product of embryos, and others thought it did not go far enough, questioning whether those 64 stem cell lines really would support the necessary research.

What we are dealing with here is stem cells which have the capacity to be used for people who have Parkinson's, to replace diseased cells and cure Parkinson's or, in Alzheimer's, to replace diseased cells and delay the onset of Alzheimer's, if not to cure it, or who have heart disease, to take these stem cells and inject the cells in place of diseased cells, and the potential to save millions upon millions of lives where these embryos were otherwise going to be discarded.

For those who have said these embryos have the potential to create life, my response has been to insert in our appropriations bill \$1 million as a starter to promote adoption of these embryos so that if these embryos can be used to produce life, that would be the highest calling, and if they could all be adopted and used to produce life, then there would not be any embryos available for stem cell extraction, and that would be the preferable course.

If there are to be discarded embryos that are going to be thrown away, then it seems to me obvious it would make

better sense to save lives as opposed to discarding.

When the appropriations bill came up to the Senate floor, a provision was inserted on my motion that the President of the United States would have the authority to designate the use of Federal funding on existing stem cell lines. Now that was precisely what President Bush had done. But I wanted to codify it. He had taken the position, to repeat, on August 9, that Federal funding could be used on the existing 64 stem cell lines, which was a step beyond what the Federal Government had done before and I think, candidly, was in response to the ground swell of the 64 Senators who had signed letters and, as I represented, another 12 Senators who thought that medical research ought to be undertaken.

Senator BROWNBAC, with whom I have had a difference of opinion on a cordial senatorial level, on a number of debates in the Chamber and a number of appearances in the media, objected to that provision because some future President might have a different view. President Bush had said he was not going to allow Federal funding on stem cell lines created after August 9, at 9 p.m., which is the time he made his speech. But there might be another President after President Bush's two terms who might take a different point of view, which I think was the motivation for the opposition to this codification of what President Bush had done.

Senator BROWNBAC then proposed a series of amendments to prohibit cloning and also to prohibit somatic cell nuclear transfer—which has been inappropriately named as therapeutic cloning, which has created a confusion. To repeat, that we are opposed to reproductive cloning to make another human being but if these scientific procedures are to be used to create cells which can be accepted by a patient, for example, who has Parkinson's without having an adverse reaction, this was the line which I thought and many thought ought to be maintained. And the scientific community is up in arms about the prospect of having somatic cell nuclear transfer prohibited because there is some mistaken name calling, calling it therapeutic cloning which is mistaken for reproductive cloning.

So Senator BROWNBAC—and I wanted him here to hear me make this presentation—said to me he would withdraw his amendments if I would delete the provision in the bill which codified what President Bush had done. And I decided to agree with that proposal which Senator BROWNBAC made because, as the manager of the bill, it seemed to me it would take many days of additional debate if we were to resolve the issue. Then, with the majority leader and the Republican leader, an agreement was worked out—and it is on the record—that we would have a freestanding bill in February or March. I wanted it earlier rather than later, but the majority leader would not com-

mit to February but said it would have to go to March, and so it was February or March. And then in the interim, our subcommittee has planned a series of three hearings to go into some detail as to what is really involved, to have some public discussion and public understanding that what is called therapeutic cloning is not cloning at all and certainly in no way related to reproductive cloning.

Then we had the event last weekend—

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired. The order reserved 10 minutes each.

Mr. SPECTER. I ask unanimous consent to proceed for an additional 3 minutes.

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

Mr. SPECTER. As I was starting to say, Advanced Cell Technology came out with a news release which has received publicity including a U.S. News and World Report cover which has raised concern about human cloning and reproductive cloning, and I do not believe that is realistic at this time because we know cloning exists. All of the embryos that were created in the Massachusetts experiment by Advanced Cell Technology died before they even grew to aged cells.

I note in the morning's press Senator BROWNBAC at his news conference yesterday—and I respect his right to have a news conference and respect his position—said he would like to have the debate now, would like to have action before the end of the year.

Speaking for myself, it is fine to have the debate now and to have action by the Senate before the end of the year. We will not have the benefit of the three planned hearings which we have had, but the Senate can act without additional hearings. But it is not going to be an easy matter.

When Senator BROWNBAC and I talked about this several weeks ago when the appropriations bill was in the Chamber, it was obvious to me it would take several days. And as the manager of the bill, if I had been in a position other than manager of the bill, Senators who have issues, things they would like to raise, sometimes without too much regard for what happens to a bill—if it takes a little more time, so be it. But a manager is in a somewhat different position.

I have spoken at some length because I think it is very important that there be a public understanding that somatic cell nuclear transfer does not relate to cloning, and the people who called it therapeutic cloning are creating a lot of confusion because it is not cloning at all. And it is certainly not reproductive cloning.

Scientists are, as I say, up in arms about the prospect of having a prohibition of this kind of research which has the potential to cure millions of people who have Parkinson's or Alzheimer's, heart disease, or cancer or many other maladies.

So the public ought to understand that the opposition to cloning a human being is not in issue when we talk about somatic cell nuclear transfer. And I am delighted to proceed to debate the issue, to vote on it at the earliest possible time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST— H.R. 2505

Mr. BROWNBAC. Mr. President, I rise to discuss the issue of human cloning and the need to address it in this Congress this year. I was hopeful of getting the majority leader's attention while he was on the floor; maybe we will get the attention of the Senator from Nevada about addressing the issue this year.

As the Senator from Pennsylvania was pointing out, we now have the first human clone. People are calling it different names. Some are calling it an "activated egg," rather than a human embryo or clone. U.S. News and World Report doesn't seem to have a problem with calling it the first human clone, as most of the newspapers were calling it. It is identical to an embryo. It now exists. It lived for a couple of days, then died. The technology has been used and exercised.

It is something about which I have been warning this body for months—that we should address this issue before we get to the point in time where we are going to see human clones out there. And then we will have to wrestle with the question, Is this person or property? Is this a person or is it a piece of property that is owned by somebody? What do we do with a clone? This is capable of being implanted into a woman and of growing to be a full, identifiable person by anybody's definition. Now we have the technology being broached.

We have at the desk H.R. 2505, the Human Cloning Prohibition Act of 2001 that the House of Representatives passed. The President is calling for this body to act upon that. He is saying we should not be waiting longer for this.

It is my intention at the end of my comments to call up H.R. 2505 and ask unanimous consent that we immediately proceed to its consideration. This is a bill that is here. This is an issue that is right on top of us. It needs to be considered. We should deal with it now. We can deal with it. We can limit the amount of debate time that we will have on the bill. We can limit it to a period of 5 hours. We can limit it to two amendments. We can go all of those routes. If the majority leader would agree to do that, we can get this issue dealt with.

Short of that, I submit to my colleagues what we can also do is take up this bill, only let's have a human cloning moratorium for 6 months, saying we will not allow human cloning of any type under any definition for a period of 6 months so Senator SPECTER

and others can hold hearings on this topic. Let's stop now before the horse gets further out of the barn, before we see living human embryos.

With that, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2505, the Human Cloning Prohibition Act of 2001.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWNBACK. May I inquire, and respectfully so, of the Senator from Nevada, this is an issue that is right on top of us. I have been warning this body for months that this day was going to be here. Now it is here. We really should take up this issue. We can limit the amount of time. We can limit the amount of amendments to it. I ask why we can't proceed at least to a moratorium, a 6-month moratorium on human cloning.

Mr. REID. I am happy to respond to my friend without his losing the floor.

Mr. President, this is a very contentious issue. I certainly underscore the sincerity of the Senator from Kansas. Everyone knows how he feels about this issue. He has expressed it publicly. He has expressed it to me privately. I understand the sincerity of Senator BROWNBACK on this issue.

This is an issue about which other people feel just as strongly on the other side. I have sat through a number of hearings that had been originally led by the Senator from Pennsylvania where this issue first came up, and then we have had hearings since then that have been led by the Senator from Iowa. They have been probing, extremely good hearings, but they have been preliminary in nature in the sense that there is a lot more that needs to be done.

Just 3 weeks ago on the Senate floor this issue came up. At that time it was believed there would be a time certain to take it up. There will be hearings, it is my understanding, in the Appropriations Committee held this Thursday and next Tuesday on this issue. I am sure there will be other hearings that will be held prior to the commitment of the majority leader as to when we would bring up this issue next year.

That way we can have a full public debate on the issue with legislation being handled the way it should; that is, have unlimited amendments. That doesn't mean it would go on forever, but we would have amendments that would be offered on legislation that would be pending in this regard.

We just cannot do it. We have a lot of issues that we need to address. We have five conference reports on appropriations bills that are not completed. We have not acted on a stimulus package. It took up an hour on the floor today. We have railroad retirement. We have an Agriculture bill. We have port security, about which Senator HOLLINGS believes strongly and Senator GRAHAM is waiting in my office to discuss—along

with other issues—right now. There are lots of issues we have to take up.

I know the Senator from Kansas believes this is the most important issue. But without having a better foundation, we are talking about waiting a matter of a couple months anyway.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I do not have the floor, but I am happy to yield.

Mrs. BOXER. I ask unanimous consent to ask a question.

Mr. BROWNBACK. I have a followup, and then I will be happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator.

Mr. REID. In short, I think it would be extremely difficult on an expedited schedule, which is what the Senator wants. This is not an issue I believe we can do with two amendments.

Mr. BROWNBACK. If I could, what about a moratorium? We now have a human clone out there. We have people using this technology. What about a period of a moratorium, say a 3-month or 6-month moratorium, until we can get to the issue, saying let's stop this now before we get human clones out there? This body has not spoken about it.

Mr. REID. I respond as follows: There are people who, as I indicated earlier, believe just as fervently on this issue as does the Senator from Kansas. They believe that therapeutic cloning is something that will lead very quickly to the abolishment of diabetes, Parkinson's disease, and other dread diseases. As strongly as he feels about this, they feel that a moratorium for 6 months, 2 months, or 2 days is preventing science from going ahead and working on cures for these diseases. That is how I answer the question. That is the debate we need to have.

The majority leader, Senator DASCHLE, has said he will bring this up next year. We could spend a considerable amount of time on the floor listening to the Senator from Kansas and the Senator from Pennsylvania, both of whom have strong beliefs in this regard.

Mr. BROWNBACK. I thank the Senator from Nevada for responding. If I could reclaim my time briefly, I wish to warn the body, before we take this issue back up, we are going to see more of these things announced. We are going to see people working on putting animal genetic material into the human species. That is going to be announced next. That will be the next announcement sometime a month or two down the road. This body will not have spoken on it.

The House has spoken on it. The President has stated: Please give this to me. He has asked that. That is why I respectfully put this forward. This technology is rapidly moving forward. It is to the point that most people are very uncomfortable with human cloning. People across the country, 90 percent, are saying: I don't think we ought to be going there.

I am saying at this point in time, before this continues moving forward, let's hit the pause button and let's say, wait a minute, until we can really thoroughly vet this because, as the Senator from Nevada has rightly said, there are a number of people looking at this from different sides, questioning this. This is a very technically involved subject. I respect all of that. I respect that greatly. Why not, for a period of 3 months or 6 months, say, let's just pause here because we are entering a threshold period of time that we have not thoroughly contemplated as a society, as a people. We should say: Let's wait just a little bit before it leaps upon us.

I am happy to yield.

Mrs. BOXER. I thank the Senator. The problem with the Senator's suggestion—and I will ask a question—is that he wants to stop everything. I say to my friend that we could probably reach agreement pretty quickly around here because I support legislation to ban human cloning. I know most people I have spoken to, if not all, agree. Of course, that occurs when you use the stem cells and you transfer them into a woman's uterus. We can stop that in a minute, but my friend would like to stop everything, and that is why I so strongly support Senator SPECTER, Senator HARKIN, and Senator KENNEDY, who have been our leaders on this subject.

What we are saying is, we should allow stem cell research to continue to bring our people cures to these diseases that plague them. I do not know about in your State—and I am sure it is reflected in my State—but if you ask people: Who is touched by Parkinson's, Alzheimer's, spinal cord injuries, diabetes and juvenile diabetes, who is touched by these diseases, who fears these diseases, one will find it is almost every individual.

We all agree to ban human cloning. That is not the problem. But my friend is taking an extreme position which will shut down the applied research into possible cures for these diseases. Therefore, there is strong opposition to the position of my friend. If he were to march down with us and ban human cloning, the implantation of the nucleus into a woman, then we would walk down the road together. But we think stopping everything is unfair.

Does my friend understand the debate in that sense? I hope he understands we are with him on banning human cloning but not stopping stem cell research to cure diseases.

Mr. BROWNBACK. If I can reclaim my time, I ask unanimous consent for an additional 5 minutes.

Mr. KYL. Mr. President, I will not object but since I have been here 40 minutes, I would like to get in the queue. I ask unanimous consent that following the remarks of the Senator from Kansas, I be permitted my time in morning business.

Mr. SPECTER. Reserving the right to object, and I do not intend to do so,

I would like 1 minute when the Senator from Kansas finishes to make a comment or two.

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

Mr. BROWNBACK. Mr. President, if I can respond to my colleague from California, I am happy to work with her on the definition of human cloning. I object to her categorization that I am opposed to all research and just stop. That is not my position. I have strongly supported adult stem cell research. I do not know if you can put a dollar amount in the funding line that I would not agree with because I think it is very promising research, and I am strongly supportive of that research.

I object as well to the Senator's categorization that you take stem cells and put them in a woman's uterus. You do not do that. What I am talking about is an embryo that can be put into a uterus, actually form a living human being by everybody's definition. The Senator may have a different definition of when an embryo is a life.

Mrs. BOXER. I will go for that definition that you cannot place a humanly cloned embryo into a woman's uterus. I would go for it. I understand my friend supports in vitro fertilization. I do, too. We would not deal with that. If it is, in fact, a cloned embryo, absolutely I would walk down the aisle with you on that in a moment, in a heartbeat.

Mr. BROWNBACK. What about a cloned embryo period, once it is created?

Mrs. BOXER. I say we would stop it at the implantation stage.

Mr. BROWNBACK. What about a cloned embryo, period?

Mrs. BOXER. I would oppose a cloned embryo being implanted so you have a human being at the end of 9 months.

Mr. BROWNBACK. If I can reclaim my time—I do not want to be rude—herein lies the key, the rub of the issue: Some say you can create a cloned embryo and not implant it, with which I agree. I do not think we should implant that embryo.

Mrs. BOXER. We agree on that then.

Mr. BROWNBACK. What about the status of the cloned embryo, that is in its genetic material identical to one that is created naturally? Whether it is created by man or created by God, they are the same entities; they are identical. Therefore, do we say the status of one is different from the status of the other? Herein again lies my point.

Mrs. BOXER. How far back do you want to go?

Mr. BROWNBACK. If I can reclaim my time, before we move forward on this, should we not pause at this point in time and say: Let's stop here; let's stop everything here for a few months and see where we are going with the future of humanity? The next step will be genetic material from outside the human species into the human species. That is going to be one of the next cover stories, and we will still be here saying: I am not sure about this definition; I am not sure about that.

Do we want to burst that upon humanity and allow that to take place in our country? By our inaction, we will. I plead with my colleagues, let us work on this now and pause the whole issue for a short period of time so we can consider it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, I think this last brief exchange points up the complexity of the issue as to what we are dealing with.

When Senator BROWNBACK comments about what may occur next, they are matters of enormous concern. I do not like cloning in any form, and it may be when we have the debate and when we have the hearings, if the bill is not going to be called up—I was not prepared to propose Senator BROWNBACK call up the bill. I am prepared to debate this, and Senator BROWNBACK may persuade me and may persuade others.

I do think it is a more orderly process to give the scientific community an opportunity to present their case, but if Senator BROWNBACK will get the procedures to have a vote now and a debate and really explore the matter—the sole purpose I have made in this presentation is to raise a distinction between reproductive cloning and what others have called therapeutic cloning, which, as I understand it, is not cloning at all. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank the Senator from Kansas for bringing this important subject before the Senate. It is evident from what we have heard that this subject requires a great deal of further debate.

RELIGIOUS HUMAN RIGHTS VIOLATIONS AND NUCLEAR PROLIFERATION

Mr. KYL. Mr. President, I want to change the subject and have printed in the RECORD two articles from the National Review magazine. I ask unanimous consent they be printed at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. KYL. Mr. President, the first of these is written by Kate O'Beirne, who always provides very well-researched and well-written reports on a very timely topic. As she notes at the beginning of this article:

The State Department issued the annual report required by the International Religious Freedom Act of 1998.

She goes on to note:

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East.

She goes on to document the very troubling plethora of religiously motivated human rights abuses throughout

the world. This is an article my colleagues would be well to review with respect to especially the debate that is ongoing about the sources of terrorism in the world today.

The second article is also from the National Review magazine written by Richard Lowry, an article which also, interestingly, quotes Samuel Huntington in his very timely and interesting book, "The Clash of Civilizations." Lowry quotes Huntington as saying the following:

The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.

He goes on to note that one of the causes for proliferation is Western naivete, especially in the support of arms control agreements as the way to stop this proliferation.

He notes that arms control agreements work only so long as no one wants to violate them, in which case they simply do not work. He goes on to provide his prescription of what could be done instead to deal with the issue of proliferation, which I think, again, we would all be commended to review. Therefore, I ask my colleagues to review these two items.

EXHIBIT 1

[From the National Review, Dec. 3, 2001]

MARTYRED

MUSLIM MURDER AND MAYHEM AGAINST CHRISTIANS

(By Kate O'Beirne)

President Bush's repeated assertions about the peaceful nature of Islam were briefly interrupted when the State Department issued the annual report required by the International Religious Freedom Act of 1998. This year, as in the past, our Muslim-world partners in the coalition against terrorism were prominently featured among the most violent, most intolerant regimes in the world. Religious minorities are persecuted in over 20 states where Islam is the official or dominant religion. The million Christians who have fled the Muslim world in the past five years were hardly seeking sanctuary from the peaceful face of Islam.

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East. In Pakistan, Islam has been the official religion since 1973, and over the years, the State Department has urged our ally to repeal section 295(c) of the penal code. This is the section that stipulates the death penalty or life in prison for blaspheming Mohammed, and the State Department notes that it "contributes to inter-religious tension, intimidation, fear, and violence." A Christian Pakistani, Ayub Masih, was jailed five years ago on a blasphemy charge, and he has now filed his final appeal against the death sentence imposed on him. Masih is alleged to have said, "If you want to know the truth about Islam, read Salman Rushdie." An accusation by a Muslim neighbor was enough to secure the blasphemy conviction. Under Pakistan's "Hudood ordinances," the legal testimony of religious minorities is accorded half the weight of Muslims'. The testimony of a non-Muslim woman is halved again.

Most recently, gunmen from the "Army of Omar" opened fire on a Protestant congregation worshipping at St. Dominic's Catholic Church in Bahawalpur, killing at least 16. Islamic party leaders in Pakistan immediately

claimed that the massacre was a conspiracy to defame Muslims.

Then, Saudi Arabia. In a bracing departure from diplopeak, the State Department says, "Freedom of religion does not exist in Saudi Arabia." For many years, Christians have been flogged, imprisoned, and executed by a Saudi government that prohibits non-Muslim worship even in private homes. A Muslim who converts to another religion is subject to the death penalty by beheading.

Nigeria is another nightmare. The Center for Religious Freedom, part of Freedom House, maintains a "New Martyrs List," to call attention to the most horrific cases. In one bloody week in May 2000, over 200 people were killed in Kaduna. Among the dead was Rev. Clement Ozi Bello, a 26-year-old former Muslim who had recently been ordained a Catholic priest. The young priest was attacked by a mob that dragged him from his car, tied him up, and gouged out his eyes, before leaving him dead on the side of the road.

In October, churches and Christian-owned shops were gasoline-bombed in an area of Kaduna now adorned with pictures of Osama bin Laden. More than 6,000 people have died in religious conflicts in Nigeria since the end of military rule two years ago. "Our people are being shot, butchered, and roasted," says Kaduna bishop Josiah Fearon.

The anti-Christian violence in Nigeria has been the direct result of the adoption of Sharia law, the strict Islamic code, by ten of the country's largely Muslim states in the north. Under Sharia, certain crimes are punishable by flogging, amputation, and beheading. The governor of one of these states dismisses the national constitution that proclaims Nigeria a secular country. "To be good Muslims," Ahmed Sani says, "we have to have Sharia to govern our lives, because God has told us that any Muslim who does not accept Sharia is not a good believer." Sani dispatched local officials to Saudi Arabia and Sudan to learn some more about the application of Sharia.

In Algeria, the military assumed power a decade ago, to prevent the Islamic Salvation Front from imposing Sharia on the country. Since then, Algeria has been engaged in bloody civil war. In 1994, the Armed Islamic Group pledged to eliminate Jews and Christians from Algeria. The group is deadly serious, having massacred thousands and even hijacking an Air France plane.

In the Philippines, an organization called Abu Sayyaf, with ties to al-Qaeda, wants to form an independent Islamic state in the southern islands. In May 2000, a Filipino Catholic priest was murdered along with four others among the 27 hostages kidnapped from two Catholic schools. Before being killed, Rev. Rhoel Gallardo was tortured for refusing to wear Muslim clothing and say Muslim prayers. During negotiations for the hostages' release, Abu Sayyaf demanded that all crosses be removed from churches.

Egypt, where the influence of Sharia law is growing, is home to the largest Christian community in the Middle East. The Coptic Orthodox are the targets of both militant Islamic groups and local security forces. Young Christian women are pressured to convert to Islam, while converts from Islam to Christianity have been tortured and imprisoned. Over the past 20 years, more than 30 massacres of Coptic Christians have occurred. In January 2000, during several days of rioting by Muslim mobs in Al-Kosheh, more than 100 homes and shops were destroyed, and 21 Christians and one Muslim killed. The Center for Religious Freedom says that the Egyptian government covered up these crimes to avoid the "politically sensitive" issue of punishing Muslims for murdering Christians.

Eventually 96 people were tried for the massacres in Al-Kosheh. The only four Mus-

lims to be convicted were held responsible for the accidental killing of the Muslim. The longest sentence is being served by a Christian, Surial Gayed Isshak, for allegedly "publicly insulting Islam." Amnesty International has declared Isshak a "prisoner of conscience" and called for his release.

In Sudan, the Islamic government is carrying out genocide against the Christian population in the south. Secretary of State Powell has labeled Sudan "the biggest single abuser of human rights on earth." Two million people have died since 1983 in a civil war that ignited when the Khartoum government tried to impose Sharia on non-Muslims. Christians are slaughtered from the air by bombers, enslaved on the ground, and forced to convert to Islam or starve. Writing in the Winter 2001 issue of *The Middle East Quarterly*, Prof. Hilal Khashan of the American University of Beirut explains that Khartoum's rulers believe that non-Muslims in the south are their "lost brothers" who must be redeemed by Islam. According to Khashan, "This attitude reflects the fact that Muslims, devout or otherwise, tend to believe that Islam, the ultimate divine truth, is destined to prevail at the expense of other religions."

From reports by government and human-rights groups, a pattern clearly emerges: Predominantly Christian countries generally respect religious freedom, as do Buddhist countries (absent Communist domination). The Center for Religious Freedom concludes, "The religious areas with the largest current restrictions on religious freedom are countries with an Islamic background. This parallels problems with democracy and civil liberties in general, but the negative trend is stronger with respect to religion."

Hilal Khashan points out that religion has been a decisive factor in most civil wars in Arabic-speaking countries, and there have been at least a million deaths (compared with 150,000 Arab deaths in combined Arab-Israeli wars since 1948). The murderous intentions of the extremist Muslims have clearly overwhelmed the influence of the pacific practitioners continually cited by President Bush. Journalist Amir Taheri noted in the *Wall Street Journal* recently that 28 of the 30 active conflicts in the world involve Muslim governments or communities.

In his oft-cited book *The Clash of Civilizations and the Remaking of World Order*, Samuel P. Huntington writes, "Wherever one looks along the perimeter of Islam, Muslims have problems living peaceably with their neighbors. . . . Muslims make up about one-fifth of the world's population but in the 1990s they have been far more involved in intergroup violence than the people of any other civilization." Huntington further argues that Islamic militancy is not a heretical strain of Islam. "The underlying problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power."

While scholars of the Koran debate whether or not its teachings justify violent jihads against non-believers, Christians in dozens of Muslim countries live with the fearful reality that they risk martyrdom at the hands of Islam—as they long have. Again, Huntington (writing in 1996): "Some Westerners, including President Bill Clinton, have argued that the West does not have problems with Islam but only with violent Islamist extremists. Fourteen hundred years of history demonstrate otherwise."

[From the *National Review*, Dec. 3, 2001]

DELAY OR DIE?

THE IMPERATIVE OF COUNTER-PROLIFERATION

(By Richard Lowry)

In 1946, U.S. delegate to the U.N. Bernard Baruch had an idea. All nations would be prohibited not just from seeking to develop nuclear weapons, but from building nuclear power plants that might create fissionable material appropriate for a bomb. Instead, an international authority would maintain a monopoly over nuclear activity, and the U.S. would eventually relinquish its weapons. U.N. Security Council permanent members would lose their veto over any action to enforce these restrictions, because, when it comes to nukes, "to delay may be to die."

Today, with worries about Osama bin Laden or other terrorists gaining access to the tens of thousands of nuclear weapons and the thousands of tons of fissionable material rattling around the world, Baruch's urgency may again seem appropriate. But his prescriptions don't, even as the spirit of them lives on in U.S. policy. The Baruch plan went nowhere in the U.N., but it still can be seen as a sort of high-water mark for post-war arms control. Then, the fantasy of non-proliferation at least still seemed shiny and new. It has been steadily discredited ever since.

The Baruch plan was the first shot in what would become an ever more tolerant and open-minded attitude to non-proliferation, pioneered by the Eisenhower administration, enshrined in the Nuclear Non-Proliferation Treaty, and finally brought to its appalling nadir by the Clinton administration. In the Age of Osama, it is time to acknowledge that non-proliferation is mostly a failure. It has restrained some nations—Japan, Ukraine, etc.—from acquiring nuclear weapons, but the overriding lesson of the last half-century is that weapons technology will always get through: through to the state that is willing to lie, cheat, and pay enough to get it.

The U.S. should now adopt a tougher, more clear-eyed approach to the proliferation of weapons of mass destruction and missile technology. It should concentrate less on the universalist goal of bringing all states under sweeping arms-control plans on an equal basis, and focus instead on a frankly discriminatory objective: denying weapons to the states—most of them Islamic—that are hostile to the West. This would be more practical than the grander efforts of the past, but it too would be doomed, eventually, to failure (although mere delay has its value). When rogue governments succeed in acquiring these weapons, the U.S. will have to punish or topple them, on the theory that the act of proliferation can't be eliminated but occasionally noxious governments can.

There should be no illusion about what is at stake in the proliferation of weapons of mass destruction. The U.S. should oppose it not because these weapons are inherently evil or because we seriously seek a nuclear-free world, but rather because their spread represents a diminution of Western power. As Samuel Huntington puts it in *The Clash of Civilizations*, "The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world."

In fact, much of it has occurred with anti-Westernism as its implicit rationale, as China in particular seeks to undercut American dominance. "Weapons proliferation is where the Confucian-Islamic connection has been most extensive and most concrete, with China playing the central role in the transfer of both conventional and nonconventional weapons to many Muslim states," Huntington writes. China and Russia have been

the suppliers, with Pakistan, Iran, Iraq, and North Korea—all terrorist states to one degree or another—the primary recipients. The Pakistani nuclear program, for instance, is almost entirely a Chinese production. And the Russians have been playing the same role in Iran.

History of a fantasy

Western naïveté has, over the years, helped push proliferation along, as Henry Sokolski argues in his book *Best of Intentions*. Eisenhower's Atoms for Peace program spread nuclear reactors around the globe "to serve the peaceful pursuits of mankind," with little thought to the possibility that they might serve the war-making pursuits as well. The Non-Proliferation Treaty (NPT) of 1968, which sought to maintain the exclusivity of the nuclear club, is similarly starry-eyed. It talks of "the inalienable right" of signatories to develop nuclear technology, and urges "the fullest possible exchange of equipment, materials, and technological information for the peaceful uses of nuclear energy." Cheating? Don't be silly. Sokolski quotes a Dutch NPT negotiator explaining that for parties to the treaty there should be "a clear presumption" that nuclear material and know-how won't be diverted to weapons programs.

This remarkable faith in the trustworthiness of every NPT nation is why signing the treaty was Iraq's first step toward acquiring a bomb. According to Khidhir Hamza, an Iraqi scientist who defected, Iraq used the presumption of innocence to acquire the hardware and knowledge for its massive nuclear program, which the International Atomic Energy Agency lending a hand. Hamza writes: "Few of Iraq's suppliers—or the IAEA itself—ever bothered to ask a simple question: Why would Iraq, with the second-largest oil reserves in the world, want to generate electricity by burning uranium?"

IAEA inspectors were easily deceived and manipulated, partly because any particularly aggressive inspector would simply not be invited back. Not just the NPT, but most arms-control agreements—the chemical and biological weapons conventions, for example—rely on inspecting the uninspectable. As Kathleen C. Bailey writes in a paper on bioterrorism for the National Institute for Public Policy, "Biological weapons facilities can be small, temporary, and without distinguishing features; there is no current means to detect a clandestine biological weapons production capability, absent serendipitous discovery." This is the problem with inspections generally: They can be guaranteed success only in the case of a nation not bent on frustrating them.

This circularity applies to arms-control agreements more broadly: They work so long as no one wants to violate them, in which case they simply don't work. The danger is forgetting this, and mistaking the sentiments and assurances that come with signing an agreement—which are so comforting and high-minded—with reality. This was a mistake that the Clinton administration inflated almost to a strategic doctrine: Don't verify, if you can trust instead.

Non-proliferation agreements are most effective when they are composed of like-minded nations determined to deny technology to a specific enemy, e.g., the Coordinating Committee (CoCom) of Western nations that sought to keep advanced military technology from the Warsaw Pact. The Clinton administration instead wanted to transform such organizations from, as Sokolski puts it, "like-minded discriminatory organizations to norm-based efforts that increased members' access to technology"—in other words, it sought to include the proliferators in the agreements in the hopes that it would somehow reform them.

So, instead of cracking down on Moscow's missile proliferation, for instance, the administration made Russia part of the Missile Technology Control Regime (MTCR), even as the Russians were flouting its terms. The EU wanted the Russians in so that they could be a permitted market for European aerospace sales, while the administration argued that their membership would modify their behavior. When Moscow's behavior was resolutely unmodified—it continued to proliferate to Iran and Iraq—the administration rewarded the Russians with various contracts and subsidies anyway.

Meanwhile, at the administration's urging, China bulked up on treaties and agreements. It signed the NPT, the Chemical Weapons Convention, and the Comprehensive Test Ban Treaty, and it (sort of) joined the MTCR. All these Good Housekeeping seals made it easier for China to acquire Western weapons technology, harder to punish it for any transgressions. And did nothing to stop its proliferating. As an important 1998 Senate report, "The Proliferation Primer," put it, Beijing still managed to be "the principal supplier of weapons of mass destruction and missile technology to the world."

As with Russia, the Clinton administration not only failed to punish the Chinese for their violations, it often rewarded them. After Beijing sold anti-ship missiles to Iran, Sokolski writes, the White House approved "hundreds of millions worth of sensitive U.S. missile-related exports to the very Chinese firms known to be proliferating missiles." Such was the pattern.

Russia and China—even if the Clinton administration mishandled them—are at least major states susceptible to U.S. influence. Now, thanks partly to their handiwork, proliferation is so far advanced that an isolated basket case like North Korea has graduated from weapons consumer to weapons supplier. The North Korean No Dong missile has become, as a result of Pyongyang's salesmanship, the missile of choice in the third world. The Pakistani Ghauri and the Iranian Shahab-3 are both really No Dongs. Iran, in turn, has been able to market missile technology acquired from North Korea to Syria, as the daisy chain moves from rogue to rogue.

What can be done

Despite this dismaying picture, the U.S. must still do all it can at least to slow proliferation. Instead of ambitious global agreements and conventions, the U.S. should seek to create a CoCom-style regime focused on stopping proliferation to the block of nations that are most likely to use or threaten to use a weapon against the West or leak one to a terrorist: Iraq, Iran, Sudan, Libya, North Korea, and even our rent-an-ally Pakistan. One reason the success of the CoCom wasn't duplicated after the Cold War was that there was no agreement on who the enemy was; now there should be.

The effort should spread in concentric rings, beginning with tough export controls here in the U.S. No one—not businessmen, not politicians, not our allies—likes export controls, since they necessarily mean forgoing cash; but some things are just more important. The argument against controls is often that the technology in question is available elsewhere, so why not have American-supplied Libyan poison-gas plants rather than German? But we should lead by showing our own willingness to spurn certain profits. Meanwhile, European allies like Germany and France need to be convinced that joining the war on terrorism means recognizing that some export markets simply aren't worth having. Finally, we should urge nations that are loitering on the outskirts of the civilized world to choose up sides. Russia

may choose the right way, China probably won't.

But there are limits to what can be done to stop the spread of weapons technology. Non-proliferators are in the position of anti-drug warriors, constantly involved in a futile effort to keep supply from meeting demand. It inevitably will. Then what? When supply-side non-proliferation fails, demand-side counter-proliferation should fill the breach. The best way to end demand for weapons of mass destruction is to seek the end—through diplomatic, economic, and military means—of the governments that want them. Iraq should be the easiest case. After years of flouting U.N. resolutions and international inspections, after stockpiling tons of chemical and biological agents and seeking a nuclear bomb, Saddam's regime should be made into a demonstration of the consequences of seeking weapons of mass destruction: It should be destroyed.

This would have an important educational effect. The reason governments seek weapons of mass destruction is that they know these weapons will increase their power. If they are shown that the pursuit of these weapons could also end their power, they might alter their calculations. In this light, aiding the Iranian opposition is a more important act of non-proliferation than getting President Khatami's signature on some agreement. In a similar way, missile defense can change the cost-benefit equation of acquiring missile technology by undermining the utility of ballistic missiles. So, this supposedly dangerously "unilateral" initiative—American missile defense—buttresses the cause of non-proliferation. Other unilateral actions, such as preemptive strikes on the model of Israel's take-out of an Iraqi reactor in 1981, or covert operations to sabotage technology shipments, can also repress proliferation in a way that gaudy treaties cannot.

None of this will be easy. It will require Western self-confidence, moral clarity, and, above all, military superiority. The cause of keeping our enemies from attaining weapons is achievable only with lots of weapons of our own: an enormous conventional military superiority, a credible nuclear deterrent, and—as a fail-safe—missile defense. But adopting this more muscular, realistic approach to non-proliferation is as urgent as the other kind seemed in 1946. In the words of Bernard Baruch, "to delay may be to die."

NOMINATIONS

Mr. KYL. Mr. President, I note with some dismay that the majority leader now seeks to fill time, given the fact we are not proceeding with the debate on the stimulus package, with other matters, such as the railroad retirement legislation. It seems to me we have a perfect opportunity to do what we should be doing in this interregnum, and that is to consider all the President's nominees who are languishing. We have the time to debate these nominations and vote on them. Let's do it.

Case in point: The majority leader talks about bringing up the railroad retirement legislation. This is the European-style, Government-backed occupational pension scheme. I think we would do better to complete the filling of the President's Cabinet.

Mr. President, as you know, John Walters is the last Cabinet member awaiting confirmation.

He is awaiting Senate confirmation to serve as Director of the Office of National Drug Control Policy, otherwise

known as the national drug czar. When did his nomination come to us from the President of the United States? Way back in June, over 5 months ago. Finally, on October 10, the Senate Judiciary Committee held a hearing on John Walters. It lasted over 3 hours. It was very complete. Following the hearing, Mr. Walters answered over 100 written followup questions, including questions from Members who were not on the committee itself.

Finally, on November 8 the committee reported out John Walters by a vote of 14 to 5, but we understand that his nomination cannot be brought up for us to debate and then vote because there are holds being placed on his nomination by unnamed Democratic Senators.

I am calling upon the majority leader today to bring this nomination to the Senate. If there are objections to its consideration, let those who object stand up and voice their objection and explain to us why they object, even to the consideration of the nomination of an individual who, as I say, has been pending now for over 5 months and is the last person to complete the composition of the President's Cabinet.

There is another reason to try to conclude this matter, because the Office of Drug Control Policy is one of the central parts of our Government that deals with drug trafficking around the world. Drug trafficking is one of the ways in which terrorists who we are fighting finance their terrorist activities. For the life of me, I cannot see how someone would stand in the way of the confirmation of a person who is in line to help fight this way of funding terrorism around the world.

We are supposed to be pulling out all of the stops to fight terrorism. Apparently, it is all except for one thing, and that is their financing because we have some political problem with confirming the drug czar.

Let me give a couple of examples. Afghanistan grossed an estimated \$180 billion in the drug trade last year. The Taliban generates an estimated \$50 million in annual revenue from heroin trafficking. The Taliban, which of course has been harboring Osama bin Laden, has overseen the world's greatest growth in poppy plant cultivation as well as heroin production and trafficking.

According to the State Department, Afghanistan's poppy plant cultivation area has quadrupled since 1990. Just 2 weeks ago, the Wall Street Journal reported that an Italian Government official stated that Osama bin Laden's al-Qaida terrorist network is funded through trafficking.

The bottom line is, if we are really going to pull out all the stops in fighting terrorism, we have to cut off their financing, and that includes their drug trafficking. One of the best ways of doing that is ensuring the office we have set up to do that is headed by the President's nomination; namely, John Walters. Yet we cannot get this nomi-

nation before the Senate for confirmation.

John Walters has over 15 years of experience in drug prevention, beginning in the middle 1980s. He served with the Office of National Drug Control Policy for a total of 4 years in the 1989 to 1993 period. In his hearings, he made it very clear he would execute the policies of the President, which have been widely hailed as necessary for us not only to deal with the problems of drug use in the United States but to cut off the sources of drugs which, among other things, fund the terrorists. So I urge my colleagues, and I urge the majority leader, it is time to confirm John Walters as Director of the Office of National Drug Control Policy. Let us not delay this any longer. There apparently is no excuse in terms of time because the majority leader pointed out this morning we apparently have time to consider other matters. So let us finish the confirmation process for the President's Cabinet before we conclude our work in the first full year of the Bush administration. It seems to me that is only fair. It is good policy, and it would help us in fighting the war on drugs.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I ask unanimous consent that Senator HELMS from North Carolina and Senator CLELAND from Georgia be added as cosponsors to S. 1278, the United States Independent Film and Television Production Incentive Act of 2001.

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

UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION INCENTIVE ACT OF 2001

Mrs. LINCOLN. Madam President, this is a bill I introduced awhile back. It is a good way to reinvest in America, looking at our films that have gone offshore because of the incredible incentives that other nations are giving them. We want to keep our film industry in the United States. We want to keep the jobs in the United States, and that is why we introduced this bill in order to direct the incentives according to the jobs that are created. We are hoping we can move this bill along, and we are delighted to have two more cosponsors.

RAILROAD RETIREMENT REFORM

Mrs. LINCOLN. Madam President, I came to the Chamber after listening to several of my colleagues earlier this morning. The majority leader, Senator DASCHLE, was visiting with Senator DURBIN about some of the important legislation we could be considering in these last couple of weeks in the Senate that would really be good for the American people.

First they spoke about the railroad retirement reform package, which was mentioned by Senator KYL. I think it

is absolutely essential we bring up this issue. Last week, when I was in Arkansas celebrating Thanksgiving, I was approached by an older woman who said: Why in the world has this not been done?

This legislation has passed the House twice by incredibly large margins. The last time it was 384 to 33. There are 75 Members of the Senate who are cosponsors of this issue. We have the railroad industry, the union members, the workers in agreement. It is absolutely practical and realistic that we should bring up this issue and move it forward because it is going to benefit everybody, and that is what our job is, to bring up legislation that everyone has worked on, that we have come to some agreement on, that we have the majority of individuals in both bodies excited about and willing to move forward.

So I applaud the majority leader for bringing up this issue. I think the time is right. I think the work has been done. The debate has been had. People have worked out this issue, and we should be moving forward. We should be productive for the American people and particularly for those in the railroad industry and those who are retired. I applaud the majority leader for his efforts, as well as the other Members of this body, and encourage him to move forward with it. This is something we can do and something we should do before we leave, and I hope we will.

FREEDOM TO FARM

Mrs. LINCOLN. One of the other issues that was brought up by my colleagues earlier was the issue of our agricultural policy in this country, which, in my opinion, in the last 4 years has been less than what our farmers deserve. It is time now to give them some predictability and some understanding of where their Government is going to be for them.

It has been said the only constant is change, and that certainly has been true with our national farm policy. For the last 4 years or better, farmers—certainly Arkansas farmers—have harvested their crops without knowing if they would be able to afford to plant another crop in the following growing season. They had no predictability, no understanding of whether their Government was going to be for them.

As they looked at what was happening in the global economy with the fact that the European Union was consuming well over 80 percent of export subsidies worldwide, they said they were not competing with other farmers across the globe.

Our farmers are competing with other governments. Where has their Government been in terms of a solid agricultural policy they can depend on, particularly when they go to their financial institutions to get the backing they need to put seed in the ground?

Of course, many remember that Congress passed the Freedom to Farm Act

back in 1996. For farmers in Arkansas, Freedom to Farm has been a disaster because they depended too much on the ability to be able to negotiate trade. We put our farmers in a position where, as we said we were going to ratchet down the Government support and the Government safety net, were they going to have to depend on the market.

We gave them flexibility. Flexibility was great, but flexibility without the backbone in trade does them no good, particularly in a time when we are seeing record lows in commodity prices.

Farmers are getting paid right now the same they were being paid in the early 1940s, and yet their input costs are the highest they have ever been. They are making the same they were in 1940 when a combine probably cost them about \$15,000 to \$25,000, and now they are paying anywhere from \$180,000 to \$200,000 for a combine.

Arkansas farmers and farmers around the country have been in limbo year after year, waiting for Congress to pass emergency spending bills. The existing farm policy is absolutely inadequate. A farmer cannot just go to the banker and say, I think Congress is going to provide us an emergency spending bill this year so you need to make sure you go ahead and give me that loan and maybe wait for another 9 to 12 months to find out whether or not it will be backed by the Government.

As has the senior member of the Senate Agriculture Committee, I have worked with my colleagues on that committee to write a bill this year, to get out of the Agriculture Committee a good, positive, and comprehensive bill to address the needs of our farmers. I have been increasingly concerned and dismayed as the Senate rushes to complete its business by the end of the year that farmers again will be left behind. That is why, again, I was so proud to see the majority leader come to the floor today to say we are going to take up a farm bill on the Senate floor.

The Senate Agriculture Committee, under the leadership of Chairman HARKIN, has done its work to come up with a good bill that is comprehensive, that will provide the safety net, as well as far-reaching, new, and innovative issues we need in a farm bill. They have done their job. We will bring it up on the floor.

The House has done their job in passing a bill. We can compromise on these bills because they have been created in a way that they have many similarities. We can get a bill to the desk of the President this year so our farmers, once again, do not have to go into the new year with the uncertainty and the complete unpredictability of not knowing where their Government will be.

The Senate must pass this bill before we adjourn for the year because it is imperative, as the farmers go into this next planting season, they have something they can bank on, one with a solid safety net that ensures not only the financial viability of our farmers

but also the viability of local bankers, merchants, seed dealers, fertilizer dealers, implement dealers, and rural institutions that depend on the stability our farmers provide.

The Senate bill also provided much needed funding for rural development and nutrition programs for disadvantaged families to help those parts of our Nation where the needs are the greatest. An unbelievable conservation title helps in new and innovative ways, placing the resources and efforts into proven conservation practices that our farmers know they can use to mitigate those marginal lands on which it is more costly to produce. It includes funding for research and development to ensure that America remains a technological and economic powerhouse in the coming century. It provides funding for forestry, biofuel development, and credit financing programs to guarantee sound farm financing.

The economy in this great Nation is in a delicate state. There is nothing that we can do here that will guarantee we will not go into a recession. But there is one thing we can do that will absolutely guarantee a recession. We have seen it in our history's past. That is that we allow the rural economy to collapse. If that rural economy collapses, we will be assured not only of a recession but much greater problems in our economy in coming years.

I applaud the majority leader for bringing up the issues on which we have worked. We have worked out the details. It will be of great assistance to the American people, particularly in rural America. As we begin with a farm bill that will be a great stimulus package to rural America, we can also work out the details of an economic stimulus package that will be comprehensive in helping workers in transition and also provide the tax relief that industries need, particularly small businesses, to be able to grow and thrive and increase a growing economy.

I hope that in the several days we have ahead of us and the work there is yet to be done we can continue along the road that the majority leader has paved for us in putting out these issues, that we can get some agreement that will be beneficial to the American people, and that we can all go home at the end of these 2 weeks to a holiday and know we have done our very best. That is what we owe to the people.

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. THOMAS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. THOMAS. I ask unanimous consent to speak for 5 minutes.

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

THE SENATE AGENDA

Mr. THOMAS. Madam President, I have listened this morning to the conversations on the floor. I think it is appropriate that we have had some discussion about what we are going to do in the remaining time before us. I hope we can come to a little more of a cooperative understanding of what our agenda should be in the next 2 weeks. What are the things that are most important? What are the things we ought to have as our priorities?

Obviously, we have to finish the appropriations, and we have only sent about half of those to the White House. So that is something we must do. Obviously, there is difficulty in trying to complete the work on the Defense appropriations.

It seems to me it is also important that we have a stimulus package. However, having been on the Finance Committee and sat through all the talk about it, we expanded it far beyond where anyone would suggest these were stimulus programs. I suppose you could expect that to happen. We are at the end of a session. We are at a time when, because of the terrorist attacks, emergencies have arisen that must be addressed. But now we find that everyone who has ever had a thought about where we ought to be spending more money wants to do it. I think we have to be a little more thoughtful about where we are.

We started out with a budget that we agreed upon. I think it was about \$660-some billion. Then that was changed at the request of the President some time ago to \$686 billion. In addition to that, of course, we have had another \$40 billion, and another \$5 billion, and agreed to guarantee another \$10 billion. So we have spent a great deal of money. I think we have ought to give some thought as to what our priorities are to be at this point.

It is my belief we could come up with a stimulus package that would deal with the needs of unemployment and some of the medical needs there. I think we could do something that is rather limited in terms of accelerated depreciation that would cause businesses to create jobs, which is what we want to do. We do not need to spend \$120 billion simply because we have an excuse to spend.

So I am hopeful that we can get together on a stimulus package. The majority leader said this morning the Republicans refuse to meet. That is not the case at all. The Republicans are not willing to have the Appropriations Committee be part of that meeting because it is a Finance Committee responsibility. That is where we ought to be; there is no question about that.

I hope we can take a little time now to say what our priorities should be. We need a little vision, just over 2 weeks. It ought not to be too difficult to decide what it is that we need to get done and step aside from some of these other questions.

We are talking about a farm bill. I am on the Agriculture Committee and

we have not even scored it. We don't know how much it will cost. Yet we are here. We want to get it on the floor. We have not had the farm bill before the committee, not even had a chance to look at it, but we were asked to mark it up. That is not the best way to deal with the important issues there. We can deal with them.

I am hopeful we will slow down just a moment, decide what it is that is most important for the country that we do in the very little time we have, and not just absolutely think we ought to be spending every dime we can possibly find. That is not necessarily the thing to do at this point.

Hopefully, we will be able to do that. I hope we can do at least those two things, the appropriations bills and the stimulus package. These other things ought to have a little more thought. We are going to be back next year, early. We can put a time certain on those and do them at that point.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. THOMAS. I withhold the request.

RECESS

Mr. THOMAS. If it would be more appropriate, I ask unanimous consent that the Senate be in recess until 2:15.

The PRESIDING OFFICER. That would be appropriate.

The Chair thanks the Senator.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I be given 15 minutes in morning business.

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

PROHIBITION OF HUMAN CLONING

Mr. FRIST. Mr. President, I rise to continue a discussion that began in morning business earlier today. That is on the issue of human cloning. I had not expected to be talking about this issue during the closing days of this session of Congress. But I feel compelled to do so in light of Sunday's announcement. That is indeed very troubling for everybody as they seek to understand what this is all about after Sunday's announcement that a U.S. company is pursuing the purposeful creation of cloned human embryos.

I believe all human cloning for scientific reasons, for ethical reasons, and for reasons surrounding the health and safety of women should be banned.

This whole subject of human cloning was the subject of a lot of discussion earlier this year. This summer, the House of Representatives passed a bill prohibiting the human cloning by a

large and overwhelming margin. But in light of the events of September 11, much of the discussion was put aside. A lot of that changed on Sunday. And now I believe it is incumbent upon the Senate to address this critical issue before adjourning for the year.

I urge the majority leader to call up the House bill and to allow the Senate to work its will on that bill. We don't have the luxury of time that I think many of us thought we had. If we look over the last several years—really beginning in 1997, when Scottish researchers first captured the attention of the world after they used the process called somatic cell nuclear transfer to successfully clone that adult sheep by the name of Dolly—since that period of time a lot has happened in this particular body. The portrayal of human cloning has intrigued our imagination over the last 4 to 5 years. But we all must recognize that this is serious business. The idea that cloning human beings may be technologically possible challenges our fundamental beliefs—whether they be spiritual, or whether they be moral. Those people who pay attention to science ask if it is really possible. I believe the answer is yes. But what it really causes us to do is to go back and challenge our fundamental beliefs on what the appropriate limits are or should be of human control over nature.

I tell you, as a scientist and as someone who has thought a lot about end-of-life issues or beginning-of-life issues and disease and health, it provokes, in me, a lot of concern in terms of the issues of how much to intervene, at what point, what is someone's motive, and can that motive be shifted in such a direction that the great promises of science can be used to the abuse of what most people would regard as their moral sensibilities.

After the Dolly announcement, we held a series of hearings in the Health, Education, Labor, and Pensions Committee. The first hearing focused on science. We had scientists testify. We looked at all types of cloning: Animal cloning, human cellular cloning, and the cloning of a human embryo, the cloning of human individuals.

At the second hearing we had ethicists and theological representatives come in. We listened to distinguished individuals testifying from the Christian faith, the Jewish traditions, the Islamic traditions, all relating to human cloning. We also listened to philosophers well schooled in biomedical ethics.

The story went on. The National Bioethics Advisory Committee (NBAC), at the request of President Clinton, looked at, studied, and made a report on the moral and ethical issues as well as the scientific standpoints. NBAC then reported to the President that reproductive cloning was unsafe and should be prohibited by Federal law.

About a year after that, Senator BOND and I, based on our hearings, and based on that National Bioethics Advi-

sory Committee report, introduced the Human Cloning Prohibition Act along with a number of our other colleagues. That bill would have prohibited the use of somatic cell nuclear transfer technology to produce a human embryo.

At the time—and the time today is very different; again, that was in 1998—the science of issues such as stem cell research, particularly embryonic stem cells, was all hypothetical. It was all theoretical. This whole field of embryonic stem cell research existed, but only as a hope of what might be. No research using embryonic stem cells had actually been conducted at the time.

The overall science of these issues, of cloning and stem cell research, was relatively undeveloped and even less understood. The bill got caught up in a lot of concerns that it could prevent this whole field of embryonic stem cell research from progressing, and the bill really fell by the wayside.

Indeed, almost 2 years would pass between the announcement of Dolly, the sheep, in 1997 and the groundbreaking reports on the successful isolation of what are called human pluripotent stem cells. It was 2 years after Dolly.

Now, more than 2 additional years past, the field of embryonic stem cell research has really made great strides, although it is still in its infancy, as we are seeing today. Today there are more than 60 established embryonic stem cell lines worldwide. The research, I believe, does show great promise for stem cell research as we look to the future.

We have also learned a lot about adult stem cells. Only recently people understood there are two—indeed, there are three—but two main types of stem cells: One is adult, and one is embryonic. A lot of our traditionally held beliefs about the adult stem cells, the fact that they can only go in one direction, have been modified as we have studied them scientifically. Now we know they are not restricted to one fate or one direction.

This past year, the NIH spent \$250 million on stem cell research. That number, I am quite certain, is going to grow in the future because of the promise of stem cell research for therapies for a range of diseases. That money will be spent for both adult stem cell and embryonic stem cell research.

I will say that overall stem cell research is in its very early stages and there is a lot to learn. I have just outlined what we have learned in the last 2 years, and in the 2 years prior to that from the time that Dolly was first cloned.

But what we can say now, with confidence, I believe, is that a ban on human cloning—again, we are talking about stem cells and human cloning—a ban on human cloning will not be a barrier in any way to the aggressive pursuit of embryonic or adult stem cell research. I would argue that it is just to the contrary of what some people say, that if you ban human cloning in some way it might slow down stem cell research.

Why do I say that? It comes back to a debate we had on this floor 6 or 8 months ago when we were talking about stem cells. It is my belief that embryonic stem cell research, which I believe has great promise, and adult stem cell research can best be conducted in an environment, a framework, where you have ethical considerations, moral considerations, and a legal framework defined. That way, the American people can trust what is being done, what we are investing in, in relation to what the scientists are doing.

I would argue that that legal framework around stem cell research—to allow it to progress—demands, as one of its criteria, that we ban the cloning of human beings, that we ban human cloning. That is what is before us today as we define what America is thinking today. Where do the scientists fit in with all this? You will hear different scientists saying different things. But I think it is also clear that, scientifically, embryonic stem cell research can and will be able to proceed aggressively without the use of therapeutic cloning.

I think it is generally believed that most scientists consider the field of human cloning too immature and unknown if the goal is to safely attempt to clone a human being. Most scientists will agree it is too early. We do not know enough today.

What about therapeutic cloning? You hear these words. You have reproductive cloning and therapeutic cloning. And with more time we will probably get more into that. But conceptually there are two different types of cloning.

Some people say we should ban reproductive cloning but we should allow the therapeutic cloning to proceed. I would argue with the intent. We have heard people say they want to clone human beings. They said they are going to go out and do it. Now the technology, as we saw 3 days ago, is likely to get there. So they are likely to do it.

So when you are creating a human embryo, and you say you are going to use it just therapeutically, it is just too easy to take that embryo and implant it in the womb, and then it is reproductive cloning. And there will be more opportunity to talk about the differences there.

I will say therapeutic cloning is not necessary for rapid scientific advancement. The 60-plus stem cell lines out there are sufficient for Federal researchers to aggressively move in the direction of productive research. Moreover, the idea of therapeutic cloning, intended to combat the danger of autoimmune rejection, something I as a transplant surgeon am very aware of, carries with it challenges of its own and does not necessarily solve the problem of autoimmune rejection.

Let me just shift very quickly to risk. There are real risks to human cloning. Even those people who are not

repulsed by creating superhuman beings and having people created in their own image and control—this whole field of human cloning is almost godlike—even those people, when you push them, recognize the frightening risks of human cloning.

Four years ago, it took about 270 attempts to get Dolly, the sheep. Whether it is 200 or 500 or 100, you translate that down to human beings, and that means 270 still births, 270 miscarriages, 270 deformed births—all because we do not know enough. It is simply not safe.

I think we should move quickly to prohibit human cloning no matter what the stated purpose. We do not act alone. Other nations are also struggling in responding to this issue as well. France and Germany have developed legislation to prohibit human cloning, and they have called upon the United Nations to take up this matter on the international level.

I believe the creation of human embryos purely for research purposes alone is the exploitation of human life. I say it, yes, as a pro-life Senator, but I think the idea of creating human embryos for the reason of just research is an exploitation that even the National Bioethics Advisory Commission and newspaper editorial pages, including the Washington Post have opposed. Why? Because you ultimately have to destroy those embryos.

There is also another issue about which I hope we will have the opportunity to talk. It is actually in an article from November 25 in the St. Louis Post-Dispatch. The heading of the article says: "Buying and Selling of Women's Eggs Raise Fears of Bidding Wars." The first sentence states:

Egg donors needed. Healthy women ages 18-32 willing to help infertile couples.

In another paragraph it says:

In California, the increasing demand has resulted in a flourishing egg-donation industry that can reward donors with payments equivalent to a semester's tuition at an Ivy League school. Greater demand also has increased prices on the East Coast by several thousand dollars.

I mention that because clearly if there are individuals or companies out there with what inevitably will be a financial incentive to obtaining these eggs, the burden is very likely to fall upon women of low income.

The eggs will have to be obtained through a medical procedure. The medical procedure has its own risks as well. There are no safeguards today for women who would be used as sources of the needed eggs. I believe that a failure to prohibit human cloning not only poses a real risk to the health and safety of the women but will have the effect of turning their bodies into commodities.

In closing, because of statements by many people around the world who have said they are going to clone human beings and the recent announcement on Sunday which shows that human cloning is much closer on the horizon unless we act, I encourage

my colleagues in this body and the majority leader, to bring up the House bill and allow us to modify that bill, if necessary.

The bill has already been passed by the House of Representatives. It is very similar to the bill Senator BOND and I introduced along with others 3 years ago. The House has improved it. They expand the definitions and exclusions from the original bill. The only act prohibited in that bill is human cloning.

Our challenge is to move quickly and carefully. We need to move quickly to achieve the goal of prohibiting human cloning without—it is important to understand—harming the important biomedical research which will be allowed to continue. That goal is within our grasp.

The majority leader has said we will bring up this bill next spring. Because of recent incidents, I encourage him to do it as soon as we can this year. The risks of delay simply are too great. Our responsibility is clear.

I ask unanimous consent that a copy of the St. Louis Post-Dispatch article I cited be included in the RECORD.

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

[From the St. Louis-Dispatch, Nov. 25, 2001]
BUYING AND SELLING OF WOMEN'S EGGS RAISE
FEARS OF BIDDING WARS
(By Michelle Meyer)

"Egg donors needed. Healthy women ages 18-32 willing to help infertile couples."

Adrienne Smith spotted the ad submitted by the infertility and Reproductive Medicine Center at Washington University in the Riverfront Times earlier this year. Having read articles about egg donation, she knew that clinics paid several thousand dollars for young women's eggs.

Smith, 24, works as an administrative assistant and is planning on taking classes to become a certified massage therapist. That money could help pay her tuition, so she applied to become a donor.

The experience went well for Smith. Doctors successfully extracted her eggs and donated them to an infertile couple. Smith will never meet the couple, nor the offspring who might result. But she was paid \$2,500 and she also has the satisfaction of knowing that she is helping people who long to become parents.

Even so, the buying and selling of women's eggs raise troubling issues. With an estimated 6 million U.S. women suffering from infertility, the demand for transplanted eggs is great. Medical ethicists and reproductive specialists fear a bidding war may be in the offing. And that, in turn, could lure women into the program who are ill-suited or unprepared for the rigors of donating their eggs.

In California, the increasing demand has resulted in a flourishing egg-donation industry that can reward donors with payments equivalent to a semester's tuition at any Ivy League school. Greater demand also has increased prices on the East Coast by several thousand dollars.

No one can say for sure how many young women are donating eggs in the St. Louis area. What is clear is that sizeable fees paid to donors on the coasts aren't as prevalent in the Midwest.

But some are already concerned. "The higher the amount of money, the more danger there is that a woman might take risks

that she might not ordinarily take for the sake of the money," says Rebecca Dresser, professor of law and ethics in medicine at Washington University and a member of American Society of Reproductive Medicine. "The huge financial incentive increases the incentive to conceal health issues both to her own health and that of her offspring."

The business of matching egg donors and infertile couples is largely unregulated with well-established medical institutions—like Washington University—and independent brokers involved. Some solicit and match donors discreetly. Others aren't shy about touting their prices to donors and bragging to infertile couples that their donors are some of the best looking and most intelligent people around.

Attracted by the promise of big money, potential donors may be unaware of the demands of egg extraction.

RETRIEVING THE EGGS

For egg donor Smith, that meant injecting herself daily with ovarian stimulation shots, visiting the doctor's office a half dozen times and enduring an uncomfortable bloating of her abdomen that prevented her from wearing her regular clothing. At the end of the process, a doctor administered a mild anesthesia and poked Smith's ovaries with a long needle, extracting the eggs that had ripened inside of her.

Awaiting the final procedure, Smith read an article about infertility and began to cry. "I realized there is no amount of money that can compensate you for what you are doing," Smith said. "I sat there reading about these people who were so excited by the chance to actually have a child. Helping people is very important to me. I hope and pray that a pregnancy came out of it."

The egg retrieval took less than 45 minutes, and within an hour, Smith was awake and ready to go home. Like most women, Smith experienced mild abdominal discomfort and soreness for several days. Immediately following the retrieval, her eggs were fertilized with the recipient husband's sperm and implanted into the wife's womb.

"Egg donors needed. \$3,500. Must be 21-34."

Surrogate Parenting Center of Texas placed this simple, straightforward ad on the back page of a recent Riverfront Times. It is representative of many ads targeting readers in that age range. Many appear in college newspapers, including those at the University of Missouri at St. Louis, Washington University and St. Louis University.

"We had a lot of ads (requesting donors) run last year," says Nick Bowman, editor of the UMSL's newspaper, *The Current*. "But since my regime as editor this year, we haven't seen as many."

Many ads appeal to a donor's sense of compassion. Dr. Ronald Wilbois of the Infertility and IVF Center of St. Louis says, "There is no mention of monetary compensation in our ads, although some people in town have done that. I think you get into this big problem of clinics competing with each other if you do that. Plus, we don't want money to be the big draw. We have found that women who do it for the money are not real reliable as a group."

The IVF Center performs six to eight donor egg retrieval procedures a month, and unlike several clinics in the area, doesn't have a waiting list for eggs, according to Wilbois. But he admits that it can be difficult to find "good" donors.

Many women do not pass the stringent physical and medical screening required. Donors are required to submit complete medical and family histories, as well as pass various screens for infectious diseases and medical or genetic disorders. About 10 percent find that their eggs are not viable.

THE INTERNET CONNECTION

The Internet has become a resource for couples seeking egg donors. Web sites provide a quick database that has replaced time-consuming paper files. Some sites include photos of young women, as well as personal information such as IQ level, high school grade point average and physical measurements.

Dawn T. Hunt is an egg broker in California who helps to pair infertile couples with donors. Her company, Fertility Alternatives Inc., posts pictures of young women interested in donating, including some from St. Louis. The Web site, www.geocities.com/fertilityalternatives/oocyte.html, classifies some of the women as "exceptional donors," those with above-average intelligence, academic achievements or physical attractiveness.

One "exceptional" donor, a young woman referred to as Rachel M., is a graduate of Washington University residing in the St. Louis area. Rachel is 23 with short blonde hair and a doll-like round face who scored 1430 on her SAT and earned a 3.66 GPA in graduate school. Individuals wanting to make a baby with Rachel's eggs can expect to pay \$8,000, although that fee is negotiable. Hunt will get part of that money.

"I found a lot of my people wanted attractive donors with proven intelligence . . . so I gave it to them," Hunt said. "My clientele feels guilty about (placing so much importance on physical attractiveness) but if it were me, I would probably want an attractive donor."

The ethical debate over the sale of human eggs heightened after "Ron's Angels" appeared on the Internet in 1999. Ron Harris, a California fashion photographer, posted pictures of models on his site in an effort to create an auction for the eggs of beautiful women. Reportedly, bids for model's eggs soared as high as \$42,000.

Last year, members of the American Society for Reproductive Medicine suggested that compensation up to \$5,000 is appropriate for the donation of eggs but that anything above \$10,000 is inappropriate.

But those are merely guidelines. Currently, every state except Louisiana allows for the sale of human eggs. And no states have enacted legislation aimed at capping fees or regulating egg donation.

Educators worry that students may be ill-prepared to weigh the costs and benefits of selling their eggs.

"I think college students would be vulnerable to this kind of solicitation because of the extreme financial incentive," said Judith Gibbons, a professor of psychology at St. Louis University who specializes in issues of early adulthood. "When I ask college students about their major concerns, financial worries are always on top of the list. But I would never want to take their autonomy away from them because they are adults and can make their own decisions."

Dresser, the Washington University professor, fears that young people may regret their decisions later in life. "When they are that young they may not fully appreciate that there may be some risks to their future fertility," she said. "Of course, it is only speculation at this point because we don't know if there is a danger to future fertility. Egg donation has only been going on for a few years, so we haven't been able to follow these women over time."

Smith said that while trying to decide whether to become a donor, she wrestled with the idea of possibly having a child in the world and not knowing him or her. Although the thought bothered her, she decided to go ahead anyway.

Dr. Sherman Silber of the Infertility Center of St. Louis refuses to solicit donors with

ads. "I felt that was abusive to women. I don't like the idea of targeting a young 19- or 20-year-old girl who needs money."

But if all goes well, the process can be fulfilling for everyone involved.

Tonya Weisheyer, 23, of Winfield, has donated her eggs twice and is now acting as a surrogate mother. For her first donation, Weisheyer donated to a couple in Boston and flew there for her egg retrieval, although she did not meet the prospective parents. Two weeks after her donation, Weisheyer got a call from the couple's lawyer informing her that the wife was pregnant.

After the donation, the couple sent Weisheyer a large bouquet of flowers and gift certificates to Toys 'R' Us for Weisheyer's three children. "I was in tears," Weisheyer said. "Just hearing they were pregnant was enough for me. Just to know that I had helped them to accomplish their dream. I was on cloud nine all day."

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

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

Mr. FRIST. Mr. President, I ask unanimous consent that I be given 15 minutes in morning business.

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

BIOTERRORISM

Mr. FRIST. Mr. President, I rise to speak regarding a topic that has emerged dramatically over the past 7 weeks, a topic that everybody in the United States of America has thought about, a topic that many of us in the Senate have been thinking about over the last 3 years. That topic is the use of viruses, bacteria, and other germs as bioterrorist weapons.

Going back 3 years when the Senate Public Health Subcommittee began to look at the issue of bioterrorism, we had a series of hearings to study in depth the ability of our Nation's public health infrastructure. Those three words—"public health infrastructure"—are words about which we hear a lot. People ask me: What is the public health infrastructure? I will address that question in a few minutes.

The public health infrastructure is the basis of our preparedness and response to such bioterrorist attacks—who we call if something happens, what they do, who does the test, how they communicate with each other, and how quickly they respond. When we began addressing the issue of bioterrorism, we wanted to look at the local, State, and national level. We wanted to examine how those systems respond to public health threats.

We had a series of hearings beginning 3 years ago focused specifically on our preparedness to respond to a bioterrorist attack—the use of viruses, bacteria, and germs with the intent to create terror or to kill. The testimony of

the witnesses fascinated me because few people were talking about bioterrorism. Our intelligence community was looking at it internationally, but people on the street corners, on Main Street, or in town squares were not thinking about bioterrorism 3 years ago.

After listening to these witnesses, it was very clear that it was no longer a question of "if" there would be a bioterrorist attack, but "when, where, and how." When it did occur, we knew that a bioterrorist attack would not only occur on foreign soil but also on the soil of the United States.

These hearings also made equally clear to those of us on the subcommittee that the threat, the risk, was increasing and that our Nation was not fully prepared to meet the potential risk that could present.

As legislators do, we listened intently. We talked to the American people. We collected more information, and then we wrote a bill called the Public Health Threats and Emergencies Act. That bill had as its main goal two things—coordination of response and improvement of public health infrastructure. The coordination was two-fold horizontal, or coordination of all the different local organizations, entities, agencies at the point of the attack; and vertical, or coordination of the Federal, State, and local agencies that would all have a responsibility to respond.

The second goal of this crucial legislation was to improve the resources to support the public health infrastructure, principally at the State and local level. I encourage my colleagues to consider what they would do if there was a bioterrorist attack at their home or at their work. Given what occurred in the Hart Building just last month, that consideration should not be too difficult.

We passed that bill, and that bill was actually signed into law about a year ago, long before September 11. It was referred to the floor by the Health, Education, Labor, and Pensions Committee through the Subcommittee on Public Health. At the time, I chaired that subcommittee, and Senator KENNEDY was the ranking member. Both Senator KENNEDY and I have continued our interest in this topic over the last 3 years.

In terms of bioterrorism, what did September 11 and the ensuing events around the country do? It took what we thought was low risk and high vulnerability to a bioterrorist attack and made us realize that there was high risk and high vulnerability. As things appeared in the news and we learned about new inhalation anthrax cases, we realized our risks had increased markedly after September 11, and that our vulnerabilities, which we knew were high, were more clearly defined.

We know where the gaps are today because we have learned from the events of the past 3 months. We knew that some gaps existed, but the public

health infrastructure is so large that it was difficult to determine exactly where those gaps were without having a specific challenge to the system. I mention that because now is the time to act. We did not have all of the information when we passed the Public Health Threats and Emergencies Act, but we had the foundation a framework that focused on prevention, preparedness, and consequence management. That same framework is still valid, and we now know where those defined gaps in the public health infrastructure are.

We are now aware of our increased risks and defined vulnerabilities or gaps in the system. Now is the time to address those gaps before we have another challenge to our system. We have a responsibility to the American people, to the people on Main Street, to the people in Alamo, TN—people who might not be thinking about what our government should be doing. It is our responsibility as government officials in the Federal, State, and local level to fill those gaps.

Eighteen people have already been infected with anthrax. Another five or so suspicious cases are currently being examined. Five have already died. I have had the opportunity to see firsthand how these few cases have stretched our public health infrastructure, have stressed the people who respond—the medical and laboratory personnel. The number of anthrax diagnostic tests have overwhelmed the system for these 18 cases.

It could have been worse. If the same amount of anthrax had been delivered by aerosolization, it would have affected not 10, 15, 20, 30 people but clearly hundreds, indeed, thousands of people.

We have to act. We have 2 or 3 weeks before we leave. If we do not act, if we do not pass comprehensive legislation that looks at preparedness, prevention, and consequence management as well as filling the newly identified gaps, we have not fulfilled our responsibility to the American people.

We are learning more about anthrax and bioterrorism every day, and we need to continue to learn from these recent events. We do not know when and if there will be any future biological attacks, but we are on an alert now.

We know terrorists are around the world. We know what terrorists have said—Osama bin Laden has said that it is his religious duty to obtain biological weapons of mass destruction. We know that the same motivation that sent those airplanes into the World Trade Center and 2 miles from the Capitol at the Pentagon still exists. When that motivation for mass destruction is coupled with the hard evidence that Osama bin Laden and other terrorists intend to gain access to bacteria, to viruses, to germs, then we must conclude that the risk for bioterrorist attacks, whatever it was on September 9 or 10, is larger now and growing.

Again, we need to respond. We have already identified some vulnerabilities. Now is the time to respond. Because

the risk is increasing, we must have a real response.

What is our next step? I mentioned that the Public Health Threats and Emergencies Act of 2000 passed a year ago. It has the basic framework of prevention, preparedness, and consequence management. Now is the time to build on that framework. Now is the time to appropriate the funds for that act. We have not yet put significant money into supporting that public health infrastructure, that crucial link in protecting us from and responding to any future biological attacks. The Public Health Threats and Emergencies Act was never fully funded. I am not pointing the finger at anybody, but now is the time to fund those issues.

More resources for that infrastructure are needed. I would ask that you call your local public health official and ask that person: How stretched are you? How prepared are you if there is an outbreak of Salmonella, botulinum toxin, tularemia, smallpox, or anthrax in your community? Call them on the phone and see what they say. I know what they will say because I have talked to many of them lately. They will tell you that they have a few people working to address the issue, but they do not have the ability to communicate with local hospitals, clinics, or other health care delivery systems. Your local public health official will tell you that they cannot rapidly identify those germs.

If one thinks of things such as smallpox—and this is not to be alarmist because I think the risk of smallpox is tiny—we need people to diagnosis it quickly, communicate rapidly, and make sure the vaccines get there on time. If the system operates properly, then we would be okay.

I mention all this because a week ago Thursday, I, along with Senator KENNEDY and 40 of our colleagues, introduced a bill called the Bioterrorism Preparedness Act of 2001. We entered statements into the RECORD but did not have time to actually speak on the particular bill. I encourage my colleagues to read the bill and its summary. You can find two summaries—a one-page summary and a six-page summary—120-page bill on my website.

The Bioterrorism Preparedness Act of 2001 incorporates the recommendations by President Bush to improve the national pharmaceutical stockpile. It includes authorized funding for the development of additional doses of the smallpox vaccine. It includes the funding to help encourage the development of additional vaccines and other bioterrorism countermeasures.

Given the whole host of germs available for use—tularemia, anthrax, smallpox, botulinum toxins—we cannot concentrate on one virus or bacteria or other germ because the terrorists, if they want to, will simply move to another germ once we have developed an appropriate response. Therefore, a vaccine, although an important part of the

comprehensive policy, is not the complete answer to the risk of germ bio-warfare.

In our bill, we also provide substantial additional funds, over \$1 billion to the States and local communities, to improve the public health infrastructure. If something happens to someone's daughter and/or son and they suspect bioterrorism, we call on the public health infrastructure. What we need to do is have them prepared to receive that phone call and to respond in an effective way, and we provide the funds to make sure they are prepared to receive that phone call.

In our bill, we look at revitalizing the Centers for Disease Control and Prevention's training initiatives. We look at response capabilities. We look at epidemiologic capacity.

We do not disturb the Federal funding established under the Public Health Threats and Emergencies Act that goes into the core facility laboratories, the public health capacities. In fact, we broaden the funding streams and increase the authorization for these capacity-building activities.

Not only will these additional funds assist us in the event of another biological attack, but the strengthening of the public health infrastructure means that we will also be able to respond to other infectious diseases as well. No matter what infectious disease it is, whether it is a result of a terrorist attack or a natural-occurring disease, we need the same response—quick diagnosis, high surveillance, good communication, and quick treatment.

In our bill, there is also a section on food safety protections, which I hope my colleagues will examine. My number one priority is to ensure that we address all of the issues laid out in the bill because the bill focuses on the entire system required to respond to any future bioterrorist attack—a system dependent upon the public health infrastructure.

I close simply by saying we have made tremendous progress. Our colleagues have spent a lot of time looking at the issues in putting together this bill. I encourage them, once again, to look at what is in this bill and understand the comprehensive framework of prevention, preparedness, and consequence management as we move forward. The gaps have been defined in the public health infrastructure. Now is the time to respond. The Bioterrorism Preparedness Act gives that framework. I encourage my colleagues to support it when it comes to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST— H.R. 1140

Mr. DASCHLE. Mr. President, I announced this morning we would attempt to move to proceed to the railroad retirement bill. In consultation with our Republican colleagues, I am prepared to do that at this time.

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1140, the Railroad Retirement Act, and the Senate proceed to its immediate consideration under the following limitation: that the only amendment in order be a substitute amendment offered by the chairman of the Finance Committee; and following the disposition of the amendment, the bill be read the third time, and the Senate vote on passage, with no intervening action or debate.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DASCHLE. In light of this objection, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1140, and that the Senate proceed to its immediate consideration.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED

Mr. DASCHLE. In light of this objection, I then ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, H.R. 10.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

CLOTURE MOTION

Mr. DASCHLE. In light of the objection, I move to proceed to Calendar No. 69, H.R. 10, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Thomas Carper, Patrick Leahy, Tom Harkin, Benjamin Nelson, Mary Landrieu, Bill Nelson, Ron Wyden, Charles Schumer, Bob Graham, Barbara Mikulski.

Mr. DASCHLE. I ask unanimous consent the motion be considered as read.

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

Mr. DASCHLE. I will be brief I know my colleagues may wish to speak on this issue. This bill passed with an overwhelming 384 votes in the House. There is very, very strong bipartisan support in the Senate; 74 of our colleagues have cosponsored the bill, including a majority in both the Democratic and Republican caucuses. All the rail unions are united behind this bill, and it is supported by the entire railroad industry. It represents the first time in 25 years that labor, management and retirees have agreed on a set of changes to the system.

The reason is pretty simple. Most Members recognize we want to give railroad retirees the same opportunity as other retirees in the private sector, the opportunity to maximize their investment opportunities for retirement purposes. This bill would simply give them as many different options as we already provide to others in the private sector.

As a result of increased returns from these investments, it would provide enhanced benefits for railroad retirees and reduce retirement taxes for railroad companies. Among other things, it would expand benefits for surviving spouses, provide a retiree health insurance plan and reduce the vesting requirement to five years. These are important changes that should be made.

Enactment of this bill is long overdue. It is a good bill. It deserves our support. I am disappointed we are not able to move to it this afternoon. I will schedule a cloture vote on Thursday. We will do all we can to ensure that the legislation is considered and passed. It deserves our support, as it was given support in the House. We will do all we can to see that happens.

I yield the floor.

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

Mr. GRAMM. Mr. President, in the 24 years I have served in Congress, I have seen many ideas debated; some of them good, some of them bad. I guess we are all prone, on the spur of the moment, to overstate things, but I think I can say without any fear of contradiction that of all the bills I have ever seen on which cloture has been filed, this comes closest to simply being an overt effort by two established and powerful special interests to literally pilfer the retirement fund that is available for railroad retirees, and the backing for that retirement fund.

Part of our problem in debating a bill such as this is that there is a natural tendency in a partisan body when, in this case railroads and railroad unions get together, everybody sees this as an opportunity to jump on the bandwagon. I don't know that I would state it as any first law of political behavior, but normally when business and labor get together on something, it is generally an effort to reach deeply into the pockets of the American taxpayer. That is what the provision before us is, in reality.

We have a retirement trust fund which has built up for railroad retirement, principally as a result of the action we took when railroad retirement was going broke and when Social Security was going broke. My colleagues will remember that we passed a bill changing the retirement age, setting up a procedure where the retirement age would rise—in the case of railroad retirement from 60 to 62; in the case of everybody else's retirement, from 65 to 67. We made other changes. In the process, back in the mid-1980s, we were able to bring some degree of temporary solvency to both these programs.

The net result in railroad retirement is that we have built up a trust fund for railroad retirement of \$19.2 billion. I remind my colleagues and everybody in the country who is listening to this debate that we talk about Social Security being in deep trouble now because we started out with 42 workers per retiree, and we are down to 3 workers per retiree. And we are heading over the next 30 years to 2 workers per retiree.

Obviously, when you have two workers supporting one retiree, you are talking about a very heavy burden.

In railroad retirement, we have one worker supporting three retirees. Every problem we have in Social Security, multiply it by 9, and you have some index of the problem in railroad retirement. Also, you have the implicit taxpayer guarantee behind that program.

What has literally happened? What gave rise to the bill that is now before us in the form of a cloture motion is that railroads, facing some financial difficulty, got together with the railway unions and basically said: We have built up a base of financial assets—in this case Treasury bonds—of \$19.2 billion. So what we should do is take \$15 billion of that money out of the retirement program and roughly give half of it to the railroads and give half of it to the retirees. And, in the process, commit the taxpayer to deal with the problem if insolvency is faced in the future.

What we have before us is literally an effort by two powerful vested interests to take \$15 billion of the \$19.2 billion in the railroad retirement trust fund and literally divide it up, with roughly half of it going to the railroads and roughly half going to the employees of the railroads and the retirees. In fact, the Railroad Retirement Board, in their data, in analyzing this proposal, has basically concluded that the net result of this will be that \$15 billion will be taken out of the retirement trust fund over the next 17 years. So what the proposal before us does is pilfer \$15 billion.

Obviously, people have some shame; not much, but they have a little. So rather than saying we are simply going to steal this \$15 billion and we are going to get 74 Members of the Senate to applaud when we steal it, they came up with a clever ruse. The clever ruse is to say: Look, let's take this \$15 billion and invest it. Instead of having it in Government bonds, we will invest it

in stocks and bonds. So as a result of this new investment and the new rate of return that we will get, we will be able to do some things to help the railroads and to help the employees.

The problem is, before any investment is ever made, they are lowering the retirement age. They are cutting taxes on the employers. They are expanding benefits for employees, and when you add it all up, even with a higher rate of return that they hope to gain over the next 25 years, the trust fund will be \$28.7 billion lower under this new proposal than it would be under current law. The \$15 billion in question would be completely pilfered over the next 17 years. These are not my numbers. These are the numbers of the Railroad Retirement Board.

What does the bill do? First of all, it immediately cuts taxes on railroads that they are paying in to support these retirement programs. It cuts their tax rate from 16.1 percent to 14.75 percent, and it does that next year. Then it cuts it again in calendar year 2003, to 14.2 percent. So the net result is that in very short order, \$4 billion from the retirement trust fund is transferred from the trust fund to the railroads.

I remind my colleagues that beginning this year, based on the Social Security solvency bill we passed in the early 1980s, the retirement age for American workers is starting to go up. We are moving from 65 to 67, the age that you have to be to draw full Social Security benefits. We are in the process of the largest increase in the retirement age in American history beginning this year. But what do you think the bill before us does for people who work for railroads?

At the very instant that we are raising the retirement age for everybody else from 65 to 67, remarkably, almost unbelievably, we lower the retirement age for people who work for railroads from 62 to 60.

Survivors of railway workers already get substantially better benefits than survivors from Social Security, but we raise those benefits. We change the vesting requirements. The net result is that over 17 years, roughly \$7.5 billion is taken out of the railroad retirement trust fund and is given to the railroads. Roughly \$7.5 billion is taken out of railroad retirement and given to beneficiaries by lowering the retirement age, by raising survivor benefits, by changing the vesting requirements—in essence, increasing benefits. \$15 billion is pilfered over a 17-year period under this bill.

You might say, well, this is sort of a victimless crime because the railroads are for it, and the railroad retirees are for it. It is their \$19.2 billion. They are pilfering \$15 billion, and it was their money to begin with. So where is the victim? In fact, 73 Members of the Senate signed on to the bill. It is obvious that has been the question. Where is the victim?

The victim, as is usually the case when powerful vested interests get to-

gether, is the taxpayer. The taxpayer stands in line to cover shortfalls in the future.

It is true that in the future, up to a point, you can raise the tax on the railroads. There is no provision for requiring employees to give back these benefits, or to pay higher taxes.

Does anyone here doubt that when \$15 billion is pilfered over the next 17 years, when the day of judgment comes and there is no money to pay railroad retirement benefits, especially if the very optimistic projections that are being made don't turn out to be correct in terms of the retirement fund, who is going to be paying the money that has been pilfered? The taxpayers.

I know there are others who want to speak. Let me just say that it is not every day that you have a proposal to pilfer \$15 billion from a retirement trust fund and have 73 Members of the Senate cosponsor it. It is not every day that you get railroads and railway unions together in support of something. But, look, when each one is getting \$7.5 billion, that is a lot of incentive.

This is about as bad a public policy as you could possibly propose. How in the world can anybody justify that at the very moment when everybody else's retirement age is rising to 67, we are going to lower the retirement age for those working for the railroad from 62 to 60? How could anybody stand up in any city or town in America and justify raising the retirement age to make Social Security solvent when its trust fund is many times bigger per retiree and bigger in billions of dollars than the railroad retirement trust fund? How can anybody justify raising the retirement age on the great mass of workers in America and lowering it for a privileged few? How can anybody justify, when you have a retirement program that has one worker for three retirees, adding benefits and cutting taxes when everybody knows that the retirement program is potentially insolvent?

That is the problem before us. If the bill is in fact brought up, if cloture is obtained, then I think there have to be some changes. I do not per se object to investing the money. I think there have to be protections for the railroad worker to be sure the Government doesn't direct the investments to benefit some interests other than the worker. There needs to be some firewall between the investment committee and the Government.

Then we need to look at the proceeds of these investments and ask ourselves: Are they needed to pay benefits in the future? In that case, they should be retained. If they are not needed, giving some of it back to the railroads and giving some of it back to the workers, I think, you could justify. But how do you justify giving all of their money back until any money is earned?

Finally, how in the world can we justify lowering the retirement age for railroad retirement workers at the

very moment that we are raising it for everybody else?

This is a very bad bill, in my opinion. It is special interest at its worst. I know there are relatively few people who are against it. But people who are against it feel very strongly about it. So we intend to resist.

I hope someone out in the country will take a look at these numbers I am talking about. You have to have some pause when the Railroad Retirement Board, which oversees the retirement fund, clearly says that in 17 years, if this bill is passed, there will be \$15 billion less in the trust fund than if the bill is not passed, and \$7.5 billion has gone to the railroads and \$7.5 billion has gone to railroad workers. Yet the liability and the solemn commitment of the Federal Government to these retirees has not changed.

So if they have gotten \$15 billion richer, and the commitment has not changed, who is \$15 billion poorer? The same person is always poorer when special interests get together to benefit themselves; that is, the American taxpayer.

That is why I am opposed to this bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment our colleague from Texas on his statement, and I will add a few comments.

I earlier told the majority leader that there would be strong objection to moving forward with this bill. I am disappointed that he did. After the tragedy of September 11, many of us thought it would be very much in our Nation's best interests for us to be working together to try to pass legislation that is in our national interest. We passed emergency legislation. We passed antiterrorism legislation. We passed spending bills, a lot of which, in some cases, we thought were maybe overly generous. Yet we wanted to do that in a very bipartisan way.

Unfortunately, the majority leader is now moving forward with some legislation which, I think we have informed him, leaves a lot to be desired and which doesn't fit into any national criteria as far as a national emergency. It is purely and simply a special interest bill designed and written by special interests.

This bill wasn't written by the Finance Committee. It deals with taxes. I am on the Finance Committee. This bill had no input by the Finance Committee. Not one member of the Finance Committee has had any input in this bill. This is a bill written by and for special interests. They did a pretty good job. They benefit themselves by at least \$15 billion. They benefit themselves by increasing benefits, cutting taxes, and keeping Uncle Sam as the guarantor of the benefit.

Senator DASCHLE said something about wanting to provide the railroad companies and employees the same opportunity as every other private pen-

sion plan so they can invest their funds in the marketplace and enjoy good rates of return. I welcome that but take away the Federal guarantee. We can do that. I don't care if they make early retirement at age 50. I will be happy to let the employees and the railroads work out whatever benefit package they so desire as long as they are liable.

What they did in this case, as Senator GRAMM eloquently pointed out, greatly increases their benefits. They cut the payroll taxes to pay for those benefits, and they say Uncle Sam is still liable. That is what I disagree with. They increase benefits far and above what almost any other pension plan in America has.

Name another private pension plan that has a 100-percent survivor benefit. Social Security doesn't do that. For Social Security, if you are a survivor, you get maybe a 50-percent benefit. Not in this package. For Social Security, you don't get full retirement benefits at age 60. You get full retirement at age 65. Senator GRAMM mentioned that it is going to 67. This bill says you get full benefits at age 60.

Again, maybe that is fine, if the railroad companies and employees want to pay for that. But they have asked us to pay for it. We are liable. Some say: Wait a minute. They have a scheme in here that says even though their payroll taxes go down and their benefits go up, we think maybe it will all work out. But if it doesn't, Uncle Sam is still liable. We still have a law on the books saying these benefits are going to be paid.

Why don't we privatize this system and allow the employees and the railroad companies to come up with whatever retirement system they want? God bless them. It would be a generous system. I love the railroad companies. I love the railroad employees. Let them work out whatever they mutually desire to get us off the hook.

Why should some poor company in Delaware or Oklahoma or Texas have to guarantee benefits that greatly exceed any benefits they provide and they are liable for it as taxpayers? Then somebody said: Wait a minute. Isn't this \$15 billion that we are transferring to them their money? No, not really. They may claim it is in a trust fund. I have looked it up.

For the life of the railroad retirement system, the total amount of money paid out in benefits exceeds all the payroll tax contributions by employees and companies by about \$90 billion. That means Uncle Sam has been putting in and subsidizing a lot of money for the railroad retirement system since its inception. Basically, it is a pay-as-you-go system. It has problems because the number of active workers in relation to retirees has declined. So it has a significant problem, as any payroll system, any pension system would have if they were stupid enough to go on a pay-go system.

Private plans do not go pay-go. Private systems have actuaries. They

want to have funds, real funds, that are really invested. You could say let's go private. We can do that. The administration has offered to do that. There are many of us who are willing to work with the railroads and the employees of the railroads to come up with a truly private pension system but not a Government guarantee that says: Hey, let's increase benefits, cut payroll taxes, make great big guarantees. Government, you guarantee it all. And then, oh, incidentally, if there is a problem a few years down the road, Uncle Sam, that is your problem because it is a benefit stipulated by law of the books. As to this proposal, even the railroad's own actuaries think it would be a problem.

Looking at the payroll taxes, they reduce payroll taxes significantly in the immediate few years, and then they expect that by the years 2020 and 2021 the payroll taxes will go up about 69 percent. In other words, under their own scheme, they say: Oh, we are going to have lots of problems. Well, that is somebody else's problem.

Wait a minute. Whose problem is it? Right now it would be the Federal taxpayers' problem because the Federal taxpayers would still be liable.

So I strongly object to this bill and will work very aggressively to see that this bill does not become law. I will be happy to work with people. The unanimous consent request that was offered said let's move this bill with no amendments. Wait a minute. If we are going to move this bill, we will have lots of amendments. Every Senator is entitled to offer amendments. I may want to have an amendment that says, let's eliminate the Government guarantee. Let's make it purely private. Why have tier 1 benefits that are supposedly the equivalent to Social Security—that is what everybody says in railroad retirement—but they offer benefits much greater than Social Security.

In Social Security, the normal retirement age is 65. The normal retirement age in the railroad system right now is 62; and they take it to 60. But yet we tell all of our constituents, your normal retirement age is 65—and now it is going to 67—but just the opposite in this bill. All the while we do it by cutting payroll taxes. And there are a lot of other benefit enhancements. A survivor benefit of 100 percent? There may be some, but I have not found any private pension plans that will allow survivor benefits of 100 percent. But I am all for it as long as they pay for it. Great. If a private company and their employees have a benefit system that says, here are your benefits for your retirement system—so much on an annuity, so much per month, or whatever—if you pass away, your survivor gets the same amount, fine, as long as they pay for it.

I think what is wrong is if they start asking us to pay for it, if they ask us to guarantee it. If they want us to make that the law of the land, where the Federal Government is ultimately

liable for it, then that is wrong. That is what is in the bill before us.

So I am just amazed. We have asked for hearings on the bill. This bill has never had a hearing in the Senate, and a good reason is that people would be embarrassed. People would be embarrassed when you started asking interesting questions, difficult questions to the CEOs. They do not want to appear before the Finance Committee. The actuaries do not want to appear before the Finance Committee answering why we should guarantee benefits that are far in excess of everybody else's private pension system.

Why don't we truly privatize it? Then they can invest 100 percent of their money in any investment they so desire. I would love for that to happen. Let them invest. I hope they make great returns. But to give \$15 billion—and they pretend that is their money when, in reality, for every year that the railroad retirement system has been in existence, more money has gone out to beneficiaries than has come in in payroll taxes. That means Uncle Sam has been paying a lot, subsidized the system a lot, I believe to the tune of about \$90 billion since the 1930s.

So to say, oh, we want that \$15 billion, that is really ours, so we can go out and invest it just like everybody else does, kind of leaves a little bit short the idea that Uncle Sam has been subsidizing this system for a long time. We still underwrite it and guarantee it. It is still part of the law of the land.

Let's change that. Let's allow the railroad retirees and the active employees and the railroads to have whatever pension system they want, desire, and can afford, but let's not pass a law that says we will increase your benefits, cut your taxes, and thank you very much; Uncle Sam will guarantee the outcome now and forevermore. I think that is a serious mistake.

We have asked other countries, we have encouraged other countries, to move towards a market system, to move towards the private sector, to move to entrepreneurship, and yet, with the railroad companies, we maintain this absurd idea that Government knows best, Government should control it, Government should own it, and Government should dictate it.

I think we should get out of that. I want to turn them loose. I want the employers and employees to work out whatever is mutually advantageous and affordable and let them pay for it. Those are big companies. Those are big unions. Those are people with good jobs. Let's make sure they have their own good pension system, and let them pay for it and not be asking Uncle Sam to be guaranteeing it now and forevermore.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I thank Senator GRAMM and Senator NICKLES for their comments and for their

knowledge of the legislation. They are on the Finance Committee, which has jurisdiction in this area. They know the details of what is in the bill. A lot of us have not had the time or are not on the committee of jurisdiction to study it as closely as they have.

It is interesting to note that this legislation has been around for at least a year. The Finance Committee could have had hearings and could have marked it up.

I think some of the major problems that have been pointed out by the two Senators who just spoke could have been worked out through an amendment process in the Finance Committee.

But lo and behold, to the surprise of a lot of people, we are being told now that the Democrats want to set aside the stimulus package and move over to railroad retirement. Where is the emergency? We are at war and we are in a recession. We ought to be working on the Defense appropriations bill and an economic stimulus package. And yet we are going to delay one until—it appears, I guess, the Defense appropriations bill will not come up before next week. If we move over to this railroad retirement legislation, which many Senators support in concept, it will put the stimulus package on a sidetrack, on the back burner.

I think the timing is just not right. We have been through 2½ months of difficult times. We have dealt with it in a bipartisan, nonpartisan way. It has not been easy, but we found a way to come together, and yet now, when we get to the point of discussing, How do we provide an instant, positive impact on the economy, how do we pass a stimulative package that will have economic growth effects and job creation, we cannot come together.

The House acted in a way in which, obviously, many in the Senate do not agree. But the Finance Committee, instead of doing as we have always done in the past, coming together in a bill that has bipartisan votes, overwhelmingly, as we did earlier this year in the tax package, had a totally partisan vote, right down partisan lines, on a package that I guess is around \$60 to \$65 billion and is \$51 billion in expenditures as it is offered.

So the Finance Committee reported out a partisan bill and then added \$15 billion for so-called homeland security that has not been requested by the President or his administration. There have not been hearings on it. Just voila, it was added to this package. And to make matters worse, now we are being told we should get off this and go to a bill that is clearly not going to help us in the war effort or in stimulating the economy—a railroad retirement bill. Then, after that, we are going to go to an agriculture bill. Supposedly, the Democratic leader will try to do that. And there are going to be objections to that. There are all kinds of problems in that bill. It will take quite some time. And then, and

only then, would we go to the Department of Defense appropriations bill? And what happened to the stimulus package?

To further the effort to see if we can't come together, I have just been talking about some compromises we could work out. Everybody agrees we need additional unemployment compensation. Nobody wants to block that. The President has recommended and we are prepared to go with 13 weeks of unemployment compensation on top of the 26 weeks that is already in the law. We recognize that for people who have lost their jobs who had insurance coverage but who may have lost their insurance coverage, we have to find a way for them to get that coverage. We are prepared to do that.

We are prepared to add to the national emergency grant fund \$5 billion for the States to use to provide health insurance coverage or other related assistance. If in fact we have a State where there has not been a significant increase in unemployment, they could use it for other health-related issues. The Governors and the States would like that very much.

One of the ways to make sure we have an immediate impact on the economy—next month, not in the next 6 months or a year—is to take a serious look at a proposal by Senator DOMENICI and Senator BOND and others—an approach that has even been talked about favorably by the ranking Democrat in the House, Congressman RANGEL—to have a payroll tax holiday. Say for the next month employees and employers would not have to pay the payroll tax. Substitute that for the rebate checks and for the alternative minimum tax retroactive features. It is about an equal amount of money. It would have an immediate impact on money that workers would have in their pockets and that employers could benefit from, the 6.2 percent they have to pay. It would have an effect next month at Christmastime.

If we are really serious, we can come up with alternatives that will stimulate the economy. I challenge Senator DASCHLE and our colleagues on both sides of the aisle, let's look for some attractive alternatives. I prefer we have a 30-percent bonus for depreciation, but we could compromise at 20 percent if it is there for multiple years—3 years.

There is the art of getting this done. After 2½ months of finding a way to make it happen in case after case, counterterrorism, assistance for clean-up and disaster assistance, with aviation security, while they may not have been perfect at all, we accomplished them and the American people had a very positive reaction.

Now, right before Christmas, we are going to start drifting toward not being able to come to a conclusion on an economic growth package. This would be a mistake.

While I clearly have a long history of being supportive of the railroad industry, the workers in the railroad industry—I support trying to have a viable railroad industry in this country; I have been supportive of Amtrak even to the criticism of some of my colleagues on this side of the aisle—I think if we start moving into this area in the way that is being suggested, if we try to bring this bill up and basically just push the stimulus off the table, that will be a mistake. I oppose that.

I would be willing to work in the Finance Committee to come up with a bill that would get the job done properly, but not this bill and not in this way, and not at the expense of the stimulus package and completing our work in the appropriations area, particularly the Department of Defense. We are at war. We have an economic slowdown bordering at least on a recession. That is what we should focus on. Help our troops in the field and help our workers in their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to compliment the Republican leader. I am speaking in terms of what I see him doing today. The Republican leader has concluded that for some reason the Democratic leader wants to take the economic stimulus package away from the Senate.

Instead of continuing with it, if it is as important as everyone says, we have a whole new piece of legislation requiring very lengthy debate when, as a matter of fact, whether you are for it or against it, it can be done in due course. It need not be done today or the day after tomorrow or next week. As a matter of fact, it could be done as the first or second item of business next year, and it would make no difference whatsoever.

Instead, what will make a difference, in addition to taking care of our troops—and our military in every respect will soon get an appropriations bill; if nothing else happens, that will happen; that issue is going to be taken care of, that big commitment—the second and equally as important commitment is to stimulate the American economy so that the working men and women who are unemployed can look out there at America and say: They are hiring people back. We were just reading the new statistics and instead of 800,000 jobs lost, we have an increased 250,000 or 300,000. We are on the way up, so that everyone who participates in this economy, from the smallest equity owner and the smallest employee in the American free enterprise system to a highly paid high-tech employee—so that they can all receive encouragement from their Government to spend, to buy things they might need.

A very simple way to do it, along with the wonderful ideas that have been worked out heretofore by Senators on both sides of the aisle—I will

speak for the way you get money into the hands and pockets of American working men and women and their employers. That is called the payroll tax holiday. Perhaps it would be fairer to call that the Domenici piece and say that is what my amendment was trying to do.

The other items our distinguished minority leader brought forward are part of the various stimulus packages that have been discussed. Some are in the centrist package wherein one of the leaders was OLYMPIA SNOWE coming up with some of these great ideas. They are hers. They are centrist Senators. Some of them—not too many—are in the Democratic bill that is pending that would be replaced. But there are not very many that are comparable; there are a few.

It is absolutely imperative that we ask honestly and forthrightly of those who know the American economy what will do the most good to put America back to work.

The best social program in the world remains even today a good, solid job. There is no social welfare program in America that comes anywhere close to that. People who get good jobs, steady jobs, steady paychecks, for the most part have health insurance and the like.

So what is the best thing for American working men and women with children and families and who want to buy a car so they can start going to the mountains or taking their children out camping, whatever it may be? For them to have confidence in the economy and have money to spend; you can't beat those two in America. If you can find confidence in the American people and money in their pockets, you have a vibrant American economy.

You can't have everybody employed because that does not work in our system. But we were down to 3.9 percent unemployment for a significant period of time. Everybody was very thrilled.

Yesterday we received an economic evaluation from a very powerful group that said this economic downturn has been of long duration. I myself have spoken in the Chamber monthly or every 6 weeks or so; I said the economy started coming down 13 months ago. That is now verified by experts. It started then.

I also kept saying, don't argue about the word "recession" or is it there yet; it is not good. And if it isn't there yet, it will be there in a couple months. Why don't we get on with doing something to help the economy.

Yesterday that same very powerful economic group said we have been in a recession since March. We don't have to argue anymore; we are in a recession. Whether we stay there for a few more months or 6 months or a year is very important. The sooner we can start coming out of it and get closer to neutral, where we are not growing and not going up or down, then we will break out of that and start down the positive track of recovery, which

means more jobs, more opportunity, more confidence, and more money in the pockets of our people.

Our distinguished Republican leader said to a group of us, we ought to talk about the fact that we don't need to go on to another bill; we ought to stay hitched to the economic recovery plan, the stimulus package, and get it done.

I will send to the desk the principal components of the proposal he and I and others have put forth today. It is called "Amendment to House Stimulus Bill." It is there for people to read and puruse.

I ask unanimous consent that it be printed in the RECORD.

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

AMENDMENT TO HOUSE STIMULUS BILL,
NOVEMBER 26, 2001

- A. Stimulus proposal for rewarding work:
 - 1. Marginal Rate Cuts: Accelerate into 2002 reduction of the 28% tax bracket to 25%.
 - B. Stimulus for encouraging investment:
 - 1. Bonus Expensing: Enhance expensing of capital expenditure with 20% bonus depreciation (3-year sunset).
 - 2. AMT Repeal: Repeal corporate alternative minimum tax on a prospective basis.
 - C. Relief for low and middle-income Americans:
 - 1. Payroll Tax Holiday: Offer workers one-month (December) holiday from Federal payroll taxes while holding federal trust funds harmless.
 - D. Expand the safety net for working Americans:
 - 1. Extended Unemployment Benefits. Provide additional 13 weeks of unemployment benefits to worker who exhaust their standard benefits after September 11.
 - 2. Additional National Emergency Grants. Provide governors with additional \$5 billion in Emergency Block Grants for health insurance coverage and other related assistance.
- Total first year stimulus and assistance: \$100 Billion.

Mr. DOMENICI. Mr. President, this would be a \$100 billion stimulus in the first year, and if we include the holiday for 1 month, when the American people will begin to see hope, when the paychecks go up, even if it is only for 1 month, and when their employers get to keep 6.2 percent in their treasury to use for other things, what could be better?

I urge our Democratic friends to take a look at it. This Senator has talked to many Democrats prior to today about this proposal, maybe as many as 15. As a general matter, most of them thought it was an exciting idea. I will not go beyond that because far be it appropriate for me to characterize it beyond saying they certainly gave me encouragement.

I do not believe people are free today to go to meetings and speak their piece because they are all tied up in entanglements of commitments. They have commitments to the old package, to the new package, to the centrist package, to the Democratic package that came out of committee. Unless you can get on board the group that supports one of those, you cannot get a package for America.

The lines established for those various groupings in the Senate should

disappear, and those who lead them should go to a meeting, be it with the Democratic leader or both leaders, and say: Let's ask the Finance Committee to put forth a bipartisan effort for the next few days. Here are all the issues. They are all boiled down to five or six issues. The rest is detail.

I believe if they went there with the right spirit—that we really need to do this, that it is far more important than anything else other than to make sure we appropriate the money needed for our military around the world and at home—we will not let the American people down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I rise in strong support of this legislation, a bill to substantially revise and modernize the railroad retirement system, a system that was established in the dark days of the Great Depression. I also commend our leadership for bringing this important matter before the Senate in the closing days of this session. The fact that this body is willing to take the time to consider this measure during these critical days highlights the importance of this issue to both rail labor and management. Swift passage of the bill is essential to the continued vitality of our rail industry, and I urge the Senate to act on it without delay.

Two of the giants of our Nation's rail industry have roots in my State of Nebraska. The headquarters of the Union Pacific Railroad is located in Omaha. And the Burlington Northern maintains a major presence in the State, with over 8,500 employees in Nebraska alone. One stretch of Burlington's line located in Nebraska is the busiest rail segment in the world; coal unit trains traverse Nebraska constantly, providing energy to meet the Nation's needs.

In this case, management and labor of the Union Pacific Railroad and the Burlington Northern have worked cooperatively over a period of several years to develop this legislation and to build wide support for it here in Congress. The House has acted on it overwhelmingly, in three separate votes, and it is now time for the Senate to move it forward. It enjoys strong bipartisan support in both Chambers, and we simply cannot afford to delay the bill when we all know it will pass easily, especially when we have so much other important work to do, and so little time in which to do it. It is time for the Senate to act.

This bill introduces tried and true investment techniques into the railroad

retirement system. It represents a way to make better use of the resources built up by the contributions of rail employees and employers to the system. Approximately \$17 billion in retirement funds will, for the first time, be invested as normal, modern pension plans are, diversified among different types of investments, instead of locked into safe but low-yield Federal bonds. This simple change will permit the opportunity for better benefits and lower contributions for our rail workers, and give the industry the opportunity to take more responsibility for its own pension system.

For the first time, the law will now automatically regulate the amount of contributions going into the system in response to the actuary's estimate of the amount of reserves in the system. Under present law, if reserves falter, the Congress must step in and create new legislation to either reduce benefits or raise taxes, or both—a cumbersome mechanism to accomplish an unpopular task. This bill provides a much more streamlined means of dealing with such a contingency, without Government involvement. Industry and labor both support this automatic provision, because they know that the investment markets, in the long run, will be more productive for the system than a steady diet of only Federal bonds.

One of the most compelling arguments for this legislation is that it will improve the lot of widows and widowers of retired railroad employees. Under current law, they watch their monthly compensation decline by two-thirds once their spouse passes away. This is not only antiquated, it is an unbearable burden on some of our elderly. It is a throwback to a time when the system was in difficult straits and could not afford more. Today the system can afford to do better than this, if railroad retirement reform is enacted. The bill will provide the surviving spouse 100 percent of what the deceased former rail employee was entitled to in his or her own right. There are 50,000 retirees affected in one way or another by this one provision.

There is one other important element of the bill. The industry will now be permitted to reduce the very heavy payroll tax burden it now carries to provide benefits under the system through a 3-percentage-point drop in contributions, phased in over three years. This aspect of the bill will remove a real disincentive to hire new employees or to replace those who retire. It will free up capital for other worthwhile expenditures. And as we continue to strive to reach agreement on an economic stimulus package, we all can recognize that this benefit is especially important during this time of economic downturn.

I do not intend to go into all the improvements and the modernization that has been written into this bill at this time. There will be adequate time for a full explanation of the bill as debate progresses. But I want to once

again stress the need for the Senate to move this measure forward. The Nation's railroad retirees and their families need us to act. The Nation's rail industry can help our economic recovery if we act. And the Nation's citizens expect us to act.

I appreciate the opportunity to make these important points today, and I urge the Senate to act as quickly as possible.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 10 minutes.

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

Mr. CARPER. Mr. President, I had the privilege of presiding over the Senate during the last hour and listening to debate on two measures, including the measure the Senator from Nebraska has raised, the change in the railroad retirement system. We had considerable discussion on the economic stimulus package which has been debated in the Senate and passed in the House. I will take a few minutes and share a word about each of these.

The Senator from Nebraska was a Governor and a former insurance commissioner of his State. In my previous life, I served as Governor of my State and also State treasurer. During that period of time we established the first cash management system for the State of Delaware. We had good, sound, progressive policymaking with respect to pension investments. We took a pension system that was not funded, a pay-as-you-go system, fully amortized it and strengthened the State's financial condition considerably. Basically, the State had money in accounts that did not earn much at all, the equivalent in some cases of Treasury rates, and we ended up developing a policy that enabled us to invest those moneys at market rates in things other than U.S. Treasuries or CDs of the bank.

Part of what is proposed in this railroad retirement plan is: Take the money that has been set aside, paid into by the railroads themselves and by the railroad employees; that can only be invested in U.S. Treasury obligations. Let's give them the opportunity—not imprudently, but under the kinds of safeguards we have in Delaware, Nebraska, and South Dakota, as well, for State pension moneys—to invest those moneys on behalf of railroad employees, pensioners, and their survivors, in something other than U.S. Treasury obligations.

If you look at the performance of mutual funds, the stock market, the corporate bond market, over time they will outperform Treasuries. Under that plan, given a prudent investment policy, we will be able to see a higher rate of return from those investments than currently realized in the investments under the current railroad retirement plan.

We could have a good debate, and we ought to, about some other aspects of

this bill—which I cosponsored and I very much want to see come to the floor for debate and discussion. Some of our colleagues have raised concerns about reducing the retirement age for those under the railroad retirement plan from 62 to 60.

We could have a legitimate discussion over whether that reduction should be a graduated reduction to see if the money in the pension fund holds up. We could have a good discussion and debate about that. We ought to. We could have a good discussion about the issue of whether or not we ought to reduce all at once the payroll tax paid by the employers by the railroads. Maybe that is a reduction that should be phased in over a longer period of time. Again, this is a perfect issue to debate and seek middle ground. We should have a debate over whether or not the survivor benefits should go immediately to 100 percent of the benefit of the deceased railroad retiree or whether that, again, should be phased up over time.

Railroad retirement is not Social Security. It is not the same as Social Security. I don't believe it was ever intended to be. Railroad retirement predates Social Security and has been around longer than Social Security. There are two aspects of railroad retirement, one called tier 1, which is comparable to Social Security.

But another aspect is called tier 2, which provides, if you will, more of a private sector dimension. What we have in railroad retirement is a hybrid of Social Security and a private pension plan.

People say we cannot make some of the changes that are envisioned here with the railroad pension plan because they are not consistent with what we are doing in Social Security. A lot of private retirement plans let people retire at age 60. A lot of private retirement plans allow employees to retire with benefits after 30 years of service. A lot of them provide that benefit at age 60 with 30 years of service, and that is what is being proposed here.

We can, I guess, debate for some time whether or not this is the right time to bring this issue up. It is not a partisan issue. It has been suggested it is partisan and divisive. It is not a partisan issue. I believe 380 Members of the House voted for this bill earlier this year. There are 74 cosponsors to the measure in the Senate. The cosponsors come from both sides of the aisle. This is not a partisan issue. This is a bipartisan issue which seems to enjoy pretty good support in both Houses of the Congress, and also has the attractiveness, at least to me, that both rail labor and the railroads themselves support this bill.

Enough on this measure. We are going to have a vote on cloture. We will have an opportunity to vote whether or not to move to the bill. I hope we do, and I hope when we do we will have an opportunity to actually discuss and debate some of the issues

that our Republican friends have raised earlier this afternoon. I think we can find some middle ground that augurs well for those who are working in the railroad industry, those who are retired from the railroad industry and for their survivors, and one that is not unfair to the taxpayers of this country.

Let me mention one other thing before I yield my time and that is on the economic stimulus package. This is a debate and an issue which cries out for a reasonable compromise. Several of the elements of a reasonable compromise have been suggested today. I want to go back to them, if I may.

Senator DOMENICI, along with Senator CORZINE and others, has come forward with I think a perfectly reasonable proposal on a payroll tax holiday whereby for 1 month neither employers nor employees would pay the Social Security payroll tax. The employees would keep that money in their paychecks. It would help people who are poor and also people who are not poor, but it would disproportionately help people at the lower end of the income spectrum. In addition, the employers would not pay their share of the payroll tax. It would help those businesses that are small and those that are not so small. I think disproportionately it might help those that are small more than those that are large. That idea, the idea of a payroll tax holiday for 1 month, if it were offered in lieu of the proposal to provide additional payroll tax rebate checks, in lieu of an expedited reduction in the 27 percent rate, and in lieu of an expedited expansion of the 10-percent bracket—that idea could be a very good compromise to bring Republicans and Democrats together.

The payroll tax holiday has the added virtue, frankly, of helping States. Like other employers, States pay payroll taxes for their State employees. If they had a 1-month holiday, it would help most States. My State is not hurting as badly as others. The unemployment rate is well below average, but we are hurting too, and my guess is so is South Dakota and others. A payroll tax holiday would also provide money in the pockets of people who are very likely to spend it, and we need some of that stimulus.

Another of the elements I want to mention today to provide a bridge between Democrats and Republicans on economic stimulus deals with what is called bonus depreciation, accelerated depreciation for capital investments that are made over the next 1, 2, or 3 years. Several principles were outlined for us in an agreement adopted earlier this fall by Democratic and Republican leaders of the House and Senate Budget Committee. Among those principles that were agreed to are these: the economic stimulus package should have an immediate impact; it should not have a long-term adverse consequence for a balanced budget; and it should be temporary in nature. The leaders of the budget committees agreed that all measures in the stimulus package

should sunset in one year, to the extent practicable. If we take those three criteria and look at this notion of accelerated depreciation in order to stimulate capital investment, I think a compromise lies between what the House has agreed to and what the Senate is contemplating.

If you look at the history of the last 12 months or so in this country as our economy has wound down, one of the things that has happened is we have seen a drying up of capital investment. There is a proposal offered by our Republican friends that says let's provide a 30-percent writeoff, 30-percent bonus depreciation for investments made over a 3-year period for companies that make those kinds of investments.

Senator BAUCUS, in his proposal, said we should provide a 10-percent depreciation bonus over a 12-month period of time. There is plenty of room to compromise between 10 percent and 30 percent, and I suggest 20 percent might be that compromise for accelerated depreciation, bonus depreciation if you would. As for the time period, we should stay true to the 1-year figure, as Senator BAUCUS has proposed and as the budget committee leadership suggested.

The third measure I have to offer as a compromise between Democrats and Republicans deals with a proposal I heard from Senator COLLINS of Maine and Senator LIEBERMAN of Connecticut that we adopted in the Congress before I got here, in 1993. It is a proposal to encourage investment in small cap companies, those whose capitalization is \$50 million or less. Those who hold investments in these companies—securities issued by those companies, issued for 5 years—the 1993 law promised a reduction by one-half in the capital gains tax. As it turns out, because of the alternative minimum tax that is in place, the practical effect of the incentive offered by the 1993 law is for the most part moot. There is just not much of an incentive anymore, especially when the capital gains rate is taken down to 20 percent.

I offer this. Look at a proposal offered by Senator COLLINS, cosponsored by Senator LIEBERMAN, to make the 1993 law work. That proposal says let's make the 1993 law work by taking away the effect of the alternative minimum tax for those who make investments in accordance with the 1993 law.

Those are three potential compromises which I think might bring us a little closer together as we try to work out some compromises. I hope we can get to work on this Railroad Retirement Act and hammer something out on that as well.

I yield my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the remarks of the Senator from Delaware. I agree it is something on which we need to move forward.

EXECUTIVE SESSION

MOTION TO PROCEED

Mr. REID. I now move to consider the nomination of William Baxter of Tennessee to be a member of the Board of Directors of the Tennessee Valley Authority, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

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

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

I further announce that if present and voting the Senator from New Hampshire (Mr. SMITH) would vote "yea."

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—95

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

NOT VOTING—5

Conrad	Feinstein	Specter
Edwards	Smith (NH)	

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATIONS OF WILLIAM BAXTER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the nomination of William Baxter for both TVA positions be confirmed en bloc, the motions to reconsider be laid on the table en bloc, the President of the United States be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations were considered and confirmed en bloc as follows:

TENNESSEE VALLEY AUTHORITY

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2011.

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

Mr. FRIST. Mr. President, I rise to speak in support of the confirmation of Bill Baxter to be a member of the Tennessee Valley Authority's Board of Directors.

The Tennessee Valley Authority has played and will continue to play a critical role in the future of Tennessee and the entire TVA region. TVA is the Nation's largest public power producer serving over 8.3 million customers through its 158 distributors with revenues of \$7 billion annually. In addition, TVA manages the fifth largest river system in the country.

Over the last 7 years as a Senator from Tennessee, I have come to realize that TVA is more than a power public company, more than steward of a river system, it is an integral part of the valley's economy and community.

An organization of this size with such an important role must have the very best leadership and management team in place. The board must be able to lead the organization into a future which presents many challenges including inevitable restructuring of the electric industry, addressing air quality issues, and managing TVA's debt.

I am pleased that President Bush has nominated an individual who has the experience and the skills to help lead TVA into this dynamic future. In addition, I have known Bill for most of the last decade and can personally attest to his intelligence, integrity, and ability. Simply stated, Bill Baxter is the right man for the job.

A TVA Director must fill three needs for the agency that Bill Baxter fits exceptionally well: business acumen, a commitment to public service, and leadership skills that will benefit the entire Valley. I will elaborate briefly

on each of these. Bill is a business man, and a good one, who for over 20 years has shown he knows how to manage a company and meet a bottom line. He is chairman of Holston Gases, Inc., a distributor of propane, industrial, medical, and laboratory gases. Holston Gases, Inc., has eight distribution facilities throughout middle and east Tennessee.

Bill is a public servant who knows the importance of economic development. He served as Commissioner of the Tennessee Department of Economic and Community Development for several years, returning to his family business early this year. During his tenure in State government, Tennessee achieved 3 consecutive years of record private capital investment and job creation, shattering all previous records and winning national acclaim.

Bill is also a community leader who knows that a successful community must have citizens who are willing to give of themselves. That is why Bill has served as United Way chairman, board chairman for the Knoxville Zoo, and in a variety of other civic and philanthropic roles. He is also extremely loyal to his college alma mater, Duke University, where you will find him in the stands during basketball season.

Bill's energy knows no bounds; his ability to assess a situation and make good business decisions is second to none; and as a life-long Tennessean, he deeply cares about the Tennessee Valley. For Bill Baxter, the opportunity to serve on the TVA Board is a life-time dream come true.

Bill's background in business, government and as a community leader will be a great addition to the TVA Board, and I know he is looking forward to joining Chairman Glenn McCullough and Director Skila Harris as quickly as possible. Mr. Baxter comes before the Senate with my full confidence and highest recommendation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 10 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I wish to address some comments made by the majority leader this morning. Comments made by the majority leader this morning indicated he was postponing consideration of energy legislation until next year. I do not believe this is being responsive to the security needs of this Nation. As we know, the

House has passed comprehensive energy legislation. It has now been almost 6 months since the administration transmitted its report and recommendations on national energy policy to the Congress.

I do not think there is any question that had it not been for that the change of leadership in the Senate, we would have had energy legislation completed before the August recess.

When we left for the Thanksgiving recess, we assumed we would return to consider the stimulus legislation, followed by appropriations bills and items related to terrorism. The majority leader has stated that the energy legislation would come to the floor as soon as issues relating to the terrorist attacks of September 11 were addressed. Now we seem to have a change, again. The majority leader has announced we will turn to the railroad retirement bill and the farm bill this week before we return to energy.

I ask my colleagues: Is railroad retirement more important to our Nation's security than protecting our Nation's energy supply? Is the farm bill more important to protecting our Nation's security? This is like Lucy pulling the football from Charlie Brown. It seems the majority leader can always find something else to do rather than address the critical energy needs of this Nation and the energy security threat.

We see new threats appearing. I find this terribly disturbing, especially in light of two recent events that could jeopardize our national security. First was the announcement yesterday by the Attorney General that there was reason to believe that threats exist against our Nation's natural gas supplies should bin Laden be captured or killed. Second is the strong statement by the administration against Saddam Hussein and Iraq about their continuing efforts to develop weapons of mass destruction.

I need not remind this body, as I have often said, that we import a significant amount of oil from Saddam Hussein—more than 1 million barrels per day in September alone. Just last week two Navy sailors were killed defending against Iraq's illegally smuggling oil.

I am going to quote from an article that appeared in an Alaska paper and is entitled "Iraqi oil: 2 sailors die":

For reasons mysterious to us, a few Alaskans become irrational when it is suggested that oil from ANWR would be preferable to oil imported by the U.S. from Iraq. Anything, it seems, is better than opening the Arctic National Wildlife Refuge.

Well, maybe not anything. Everyone surely must be heartsick over the loss of two American Navy men a few days ago when a rusty tanker smuggling 12,000 barrels of Iraqi oil sank in the North Arabian Gulf.

The two sailors from the USS Peterson boarded the overloaded rust-bucket as part of the U.S. effort to prevent Iraq from illegally diverting oil to shady foreign buyers, who resell it on the spot market—with much of it winding up in American refineries.

When the tanker, the Samra, went down, it took with it four Iraqi crewmen and the

American sailors. The oil was in tanks hidden under bags of grain in the hold.

At the risk of further angering opponents of opening ANWR, we point out that Petty Officer 1st Class Vincent Parker, 38, of Preston, Miss., and Petty Officer 3rd Class Benjamin Johnson, 21, of Rochester, N.Y., died because our own domestic oil resources are not sufficiently developed.

It seems we have a grave inconsistency. On one hand, we are importing oil from Iraq; on the other, enforcing a no-fly zone. And now we have had the loss of two Navy sailors defending against Iraq's illegal oil.

Should an attack on our natural gas supplies occur or should there be some disruption in our supply of imported energy, we will see energy prices skyrocket and risk seeing our recession quickly turn into a depression.

Should this occur, I hope the American people will understand the majority leader's position that they will just have to wait until next year for some relief on energy legislation.

I was also quite surprised to hear the majority leader state that all committees of jurisdiction have had the opportunity for input on the legislation he will introduce when, in fact, just the opposite is true.

In order to frustrate the will of Senators, the majority leader had to resort to the extraordinary measure of closing one of the standing committees of the Senate, the Committee on Energy and Natural Resources, so that it would not report partisan energy legislation.

Despite the requirements of both the Senate and committee rules that we hold business meetings at least monthly, we have been forbidden to meet and, in fact, have not had a business meeting since the August recess. I ask: Is this allowing the Senate to work its will?

Now that the majority leader has postponed consideration of comprehensive energy legislation, will he allow the Energy and Natural Resources Committee to consider this legislation? That appears pretty evident.

I respectfully suggest the majority leader lift his prohibition on our committee so we can hold a business meeting to immediately consider this legislation. I do not think it will take the committee more than one business meeting to report an amendment or amendments to the Senate. If the majority leader introduces his version this week and allows the Energy Committee to meet next week, I am confident we will be able to report bipartisan legislation in time for consideration by the full Senate.

Should this not occur, I believe it to be my obligation as ranking member of the Energy and Natural Resources Committee to bring the debate about our Nation's energy security to the floor of the Senate as soon as possible, using whatever procedural means are available. I alert all my colleagues that it is my intent to use whatever means are necessary to get an energy bill before this Senate before we recess.

I further remind my colleagues, as we look at a stimulus package, there is no better stimulus than the ANWR issue in the energy bill. Where else are you going to generate about 250,000 jobs in this country? Where else are you going to generate about \$3 billion in revenue from lease sales? And where else are you going to do this without the cost to the taxpayers of any amount of money?

This is a money generator. It is a jobs issue. The Senate should move on this issue expeditiously.

I thank the Chair, and I yield the floor.

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

Mr. KERRY. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.R. 10 is the pending question.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed as in morning business.

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

SENSIBLE ENERGY POLICY

Mr. KERRY. Madam President, at some point that is appropriate—this is not the time; I might do it after I ask unanimous consent and speak on some other business—I certainly would want to speak to the issue the Senator from Alaska has raised a number of times on the floor of the Senate.

I will say, a moment ago he asked the question: Where else are you going to provide 250,000 jobs a series of times? The fact is, there is a sensible energy policy for this country and a way to provide many more than 250,000 jobs by properly pursuing a series of measures other than violating the Arctic National Wildlife Refuge. It is such a false premise, such a false offering for jobs that it really obviates most of the commonsense approaches to energy that the Senate has yet to debate.

I very much look forward to the debate the Senator promises us. It will be a good debate. There are millions of jobs awaiting Americans in a sensible energy approach, and millions of Americans understand that and are waiting for us to move to that approach as rapidly as possible.

What is really interesting about the debate about the Arctic wildlife refuge, so much as there is a debate, is that not a drop of oil is going to come in the near term and answer any of the immediate needs of national security with respect to our dependency.

Moreover, most of the world's reserves are everywhere else but the United States. So whatever Alaska has to offer, we have great respect for Alaska. We love the 95 percent of the oil shelf that is available for drilling. It is not going to be a literal drop in the bucket with respect to the independence issue or the global price of oil. So these are all issues that await us.

It is an important debate for the country to have. There will be no difference in the outcome whether that debate takes place in December or takes place in January, as the majority leader has promised us. So I anticipate the budget of this country, which still awaits action by the Senate, and the Defense appropriations bill itself, which is important to the funding of our troops immediately, ought to take precedence over that other debate which incidentally has been begging for its proper attention for some 30 years or more.

I do not think another month is going to make all that much difference in the outcome. So I do look forward to it.

UNANIMOUS CONSENT REQUEST— S. 1499

Mr. KERRY. Madam President, Senator BOND and I have been trying to bring S. 1499 before the Senate since it was introduced, but literally for more than 1 month steadily, we have been held up, depriving the Senate of an appropriate debate and depriving us of an opportunity to achieve maybe 90 to 95 votes for this legislation.

I ask unanimous consent that the Senate now proceed to Calendar No. 186, S. 1499; that the Kerry-Bond substitute amendment which is at the desk be considered and agreed to, and the bill, as amended, be read three times, passed, and that the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, I object reluctantly on my behalf and on behalf of other Senators. I believe both Senator KERRY and Senator BOND wish to speak on the issue, and I will speak to it when they have completed their remarks.

The PRESIDING OFFICER. The objection is heard.

Mr. KERRY. Madam President, I understand the Senator from Arizona has indeed objected to this bill for a period of time now, as I referenced moments ago. I regret that. We have tried to work out the issues with respect to what is the American Small Business Emergency Relief and Recovery Act of 2001. The ranking member of the Small Business and Entrepreneurship Committee, Senator BOND, has joined me for some period of time now in trying to move this important legislation for the small businesses of our country. We have 55 cosponsors of this bill, a majority of the Senate, prepared to help the small businesses of the country. Two United States Senators, I regret to say, oppose this bill, and we are not able to proceed forward.

We have the support of the Airport Ground Transportation Association, the American Bus Association, the Association of Women's Business Centers, the CDC Small Business Finance, the Chicago Association of Neighborhood

Development Organizations, the Citizens Financial Group of Rhode Island, the Clovis Community Bank of California, the Coastal Enterprises of Maine, the County of San Diego, the Delaware Community Reinvestment Act Council, the Fairness in Rural Lending Group, the Florida Atlantic University Small Business Development Center, the Helicopter Association, the National Association of Development Companies, the National Association of Government Guaranteed Lenders—some 5,000-plus lenders—the National Community Reinvestment Association, the National League of Cities, the National Limousine Association, the National Restaurant Association, the National Small Business United, National Tour Association, the Rural Housing Institute, the Rural Opportunities, Small Business Legislative Council, the U.S. Conference of Mayors, the United States Chamber of Commerce, the United States Tour Operator Association, the Women's Business Development Center, and others.

This amendment incorporates a number of improvements that Senator BOND and I have made at the recommendation of the administration and of other colleagues and of the business community. It seeks to provide help to small businesses nationwide that are struggling because of the events of September 11, exacerbating an already declining economy in the months prior to September 11.

They need access to working capital until normal operations resume, or until they can restructure or change the business to address the market changes. Many small businesses simply cannot find the working capital they need, even though they are a viable business under normal circumstances, because of this momentary downturn, because of an abrupt cutoff of business due to the reduction in auto rentals, hotel rentals, visits to restaurants, travel and therefore business with travel agencies. All of those immediately impacted by the events of September 11 are living out an aberration in the economy. It is not the normal course of doing business. Those are businesses that could be viable in a matter of months, which we do not want to lose, providing in the normal course of business we provide them with adequate access to credit.

The problem is, all across the country, we know credit has tightened up as a consequence of the outlook of the economy. So we create this self-fulfilling prophecy, this cycle of a downward trend as a consequence of people saying: I think the economy looks bad. . . . We have to hold back on those loans. . . . Consequently, they hold back on the loans and then, indeed, the economy looks bad because the failures ensue because working businesses do not get their capital.

In American Banker, they wrote the following:

Lenders were already skittish following the steep economic decline of the past year.

The events of September 11 have diminished their confidence and dimmed their prospect for recovery.

This bill is geared to try to provide emergency lending completely within the current law and capacity of the Small Business Administration. It builds on SBA's disaster loans, the 7(a) working capital loans, the 504 loans for equipment and building improvements, the venture capital investments and expanded access to SBA's business counseling. SBA has done an extraordinary job of leveraging small amounts of money into larger amounts of money in the country.

Let me point out that one of the objections of our colleagues who keep stopping us from proceeding forward is that this bill will cost money. Based on a 1992 study by Price Waterhouse, the \$17 billion of 7(a) loans authorized by this bill will yield tax revenues from the small businesses borrowers of about \$2.5 billion in the first year alone, more than off-setting the cost of the entire bill.

This bill is fiscally responsible. The Congressional Budget Office (CBO) has informally scored S. 1499 at \$860 million if all aspects are fully funded and utilized. CBO has estimated that the vast majority of the loans provided by S. 1499 (those made under section 7(a) of the Small Business Act) will cost 3 percent; that means that for every \$100 loaned, the cost to the government is \$3. This is a cost-effective way to provide necessary access to capital to small businesses throughout the country.

The judgment that is made in making a loan is how assured is that return on investment or what is the track record of the people to whom you are lending. The fact is that the track record of the Small Business Administration over the last years has been improving steadily and is at a rate today that would suggest this is a positive undertaking for the Government of the United States. It is particularly important for us to engage in it. In fact, the Administrator of the SBA recently said at a conference that the cost of the 7(a) program will be 50 percent less in FY 2003.

I might point out that if one were to take a number of the businesses that have been helped by the Small Business Administration—and I will be very quick because I know my colleague from Missouri wants to speak—the entire budget of the SBA for several years has been paid for many times over by the tax revenues that have come from the success stories of the companies that the SBA has funded. How many of our colleagues are aware that SBA was involved in funding Fed Ex, SBA was involved in the funding of Callaway Golf, SBA was involved in the funding of Intel? Intel alone has returned more in terms of the tax revenue in this country than the entire annual budget of SBA.

So we have many small businesses that are currently trying to stave off

bankruptcies. They are trying to prevent the doors from being closed. They want to keep people working, and keeping those people working is in itself a stimulus for the United States because those are people who pay their health bills, pay their mortgages, make their car payments, and all of that begins to restore the health of the economy in the long run.

I urge my colleagues to take up this legislation in the next few days. Small businesses are asking Members to do this. Our friends in the House of Representatives, Congressman DON MANZULLO, chairman of the committee, and Congressman JIM MORAN have introduced a companion bill and are gearing up to pass it as soon as possible. I hope my 55 colleagues, who are cosponsors of this, and others waiting to vote for it, and the small businesses who need it, will be liberated from this hold in the Senate.

Mr. President, I thank my 55 colleagues who are cosponsors of this bill, with a special thanks to Senator BOND, the ranking member of the Senate Committee on Small Business and Entrepreneurship. I also want to thank the many supporters of this legislation.

I ask unanimous consent that the list of cosponsors and several of the many letters of support for the legislation be printed in the RECORD.

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

COSPONSORS—THE AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

Senators Bond, Wellstone, Harkin, Cleland, Lieberman, Edwards, Carnahan, Levin, Cantwell, Landrieu, Snowe, Allen, Crapo, Enzi, Burns, Ensign, Schumer, Clinton, Daschle, Bingaman, Inouye, Sarbanes, Akaka, Reed, Durbin, Kennedy, Grassley, Torricelli, Lincoln, Rockefeller, Hollings, Leahy, Corzine, Johnson, Collins, Biden, Warner, Bill Nelson, Mikulski, Jeffords, Bennett, Murray, Carper, Domenici, Conrad, Smith (OR), Graham, Roberts, Stabenow, Dorgan, Hagel, Hutchison, Dodd, Hutchinson, and Boxer.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, Washington, DC, October 12, 2001.

Hon. JOHN KERRY,
Chairman, Small Business Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to thank you for introducing S. 1499, "The American Small Business Emergency Relief and Recover Act of 2001," on October 8, 2001, and pledge the U.S. Chamber of Commerce's support for this important bill that provides much needed relief to many of America's small business owners.

As a direct result of the events of September 11, many small businesses have been physically and economically devastated. Because of the unique character of this disaster, many of the existing programs meant to act as a "safety net" to the small business community have been found to be inadequate or not available. Your bill, "The American Small Business Emergency Relief and Recover Act of 2001," serves to correct these inequities and provide the economic tools necessary for many small business owners to recover from this tragedy.

For those small business owners whose enterprises have been shattered by the reper-

cussions of the economic shockwave from ground zero, we must extend the lifeline of assistance in the form of expanded Small Business Administration low-interest loans and programs. We must not let the recent tragedies serve to dampen the drive and determination of our nation's existing small business owners who may be struggling financially as a result of the events of September 11.

The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses with 100 or fewer employees. On behalf of these small employers, I again thank you for introducing S. 1499, "The American Small Business Emergency Relief and Recover Act of 2001."

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

THE NATIONAL ASSOCIATION OF GOVERNMENT GUARANTEED LENDERS, INC.,

Stillwater, OK.

Hon. JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Building, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Senate Committee on Small Business and Entrepreneurship, Russell Senate Building, Washington, DC.

DEAR SENATORS KERRY AND BOND: On behalf of the members of the National Association of Government Guaranteed Lenders (NAGGL), SBA's 7(a) lending partners, thank you for your efforts to support capital access for small businesses, especially in this time of heightened need. In accordance with this need, NAGGL's leadership and membership fully endorses S. 1499, the "The American Small Business Emergency Relief and Recovery Act of 2001."

This bill's goal is to provide small businesses with the necessary financial assistance to spur them, and thus America's greater economy, to full recovery. It will do this by addressing the credit needs of a variety of small businesses, from those located at or near disaster sites, to the multitude of small businesses throughout the country that were indirectly impacted by the events of September 11, 2001.

Prior to September 11, there were already signs of a slowing economy and a tightening of credit underwriting standards by commercial lenders. Some small businesses were already facing difficulty in obtaining credit. The events of September 11th have only exacerbated these problems.

This is why the quick passage of S. 1499 is so important. This bill addresses the difficulties facing America's small business sector, and so we encourage your Senate colleagues to pass it expeditiously.

Sincerely,

ANTHONY R. WILKINSON,
NAGGL President & CEO.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 30, 2001.

DEAR SENATOR: On behalf of 138,000 local elected officials, the National League of Cities (NLC) strongly urges you and your colleagues to support and push for immediate consideration of S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

In the wake of September 11, cities nationwide have reported stress to local economies and city finances, and have indicated that a decline in local business is one of their greatest concerns. In a recent letter to Senator

Daschle and members of the Senate Finance and Budget Committees, NLC urged inclusion of small business relief in any economic stimulus package.

S. 1499 would help the efforts of lending institutions, community organizations and local public agencies in providing assistance to small businesses. The measure would expand access to Small Business Administration (SBA) low-interest or no-cost recovery loans to small businesses that were directly or indirectly affected by the attacks, and those in need of capital and investment financing or procurement assistance.

NLC has always supported adequate federal assistance to new and existing small businesses, and this emergency legislation reflects an important and timely effort by Congress to recognize the impact of these attacks on local economies nationwide by helping mitigate bankruptcies, business closures, and lay-offs.

If you have any questions or comments, please contact Scott Shrum in our office at 202-626-3033.

Sincerely,

DONALD J. BORUT,
Executive Director.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, November 14, 2001.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Restaurant Association, the leading trade group for the nation's 844,000 restaurant locations, we urge you to cosponsor S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

S. 1499 would address both emergency relief needed in the aftermath of the September 11 tragedies as well as the magnified credit crunch caused by the economic downturn and the uncertain economic outlook facing our nation. In October 2001, eating and drinking places cut 42,000 jobs, which followed a 43,000 job reduction in September (seasonally-adjusted). This is the worst employment performance in the industry for this two month period since records have been kept.

The purpose of S. 1499 is to help small businesses meet their payments on existing debts, finance their businesses and maintain jobs in the aftermath of the September 11 attacks by strengthening and expending access to the Small Business Administration's loan payments and management counseling. With 11.3 million employees, the restaurant industry is our nation's largest employer outside of government. Ninety-two percent of restaurant in the United States have fewer than 50 employees.

The National Restaurant Association applauds Senator John Kerry and Senator Kit Bond for introducing this bipartisan legislation and we ask that you consider cosponsoring S. 1499.

Sincerely,

STEVEN C. ANDERSON,
President and CEO.
LEE CULPEPPER,
Senior Vice President,
Government Affairs
and Public Policy.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

Mr. BOND. Madam President, there are a couple of issues on which I agree very strongly with my good friend, the chairman of the Small Business Committee, and one on which I disagree.

First, I agree on the need to bring up an energy package, have a sound and full debate, and pass a sensible energy package. We need it. I disagree with him on the need to continue the environmentally sound development of natural resources and petroleum products out of ANWR.

I have been on the North Slope, a frozen desert which is not harmed by drilling there now. The 2,000 acres that would be involved out of ANWR's 1.9 million acres will do nothing but provide a sounder base for the caribou that live there—I disagree on that, but I strongly agree with him on the need to bring up S. 1499.

If a Senator has a problem with it, air it on the floor. We have 55 cosponsors; 18 out of the 19 members of the Senate Small Business Committee said it is time to do something for small business.

It had become apparent to all Members that in 2000 we had an economic slowdown. Officially, we are in a recession. As we know, as banks tighten credit standards, and as access to credit drops, small business slows down. In the wake of the September 11 terrorist attacks, there were significant weaknesses in the small business sector. We proposed a reasonable, bipartisan measure that can go a long way toward helping small business get the restart it needs to provide jobs and spur economic activity in this country.

Very briefly, the American Small Business Emergency Relief and Recovery Act would make economic injury disaster loans available to all small businesses directly impacted by terrorist attacks. Businesses that shut down, such as airport shutdowns and general aviation shutdowns, and airport suppliers, would be allowed a repayment of principal and interest deferral for 2 years and interest could be forgiven.

The SBA current disaster loan program was not designed to meet the extraordinary circumstances that came about as a result of the terrorist activities. It could be a year or more before many of the small businesses in New York City can open their doors. They could not repay the loans right away, so we allow them to defer.

Small businesses throughout the United States have shut down. When general aviation was grounded, flight schools were closed, and other small businesses, depending on aircraft, were hurt. Our bill allows these small businesses to defer for 2 years repayment of principal and interest on their SBA disaster loans. Other small businesses experiencing economic problems that need help with their cashflow, working capital, or investments to continue their operation or hire more people would be available for special loan programs with a lower interest prime, with a 90 percent guarantee of the loan, and with a deferral of principal and payments for up to a year.

Small businesses are already hurt. We need to give them a stimulus to get

them moving again. There would be other breaks: No guarantee fees to be paid by small businesses. The amount that the SBA could guarantee would increase from 80 to 90 percent for loans up to \$150,000 and from 75 to 85 percent for loans greater than \$150,000. The participating bank fees would be removed on 504 certified development company loans.

That is what we propose. That is what the Small Business Committee says makes sense. Right now we are talking about coming forward with a \$70 to \$80 to \$90 to \$100 billion stimulus package because we know the economy needs a jump-start. That is \$70 to \$80 to \$90 billion that would mostly be paid out in the hopes that people would use that money to buy and get business started again.

We are in a business recession. The beauty of this program is no money is spent unless small business borrows money to put to work. We want small businesses to get back to work. This program doesn't cost a thing unless some small business goes out and borrows the money and puts it to work, buys equipment, uses it for working capital, uses it to pay employees.

When we talk about credit scoring in the credit subsidy rates, people's eyes always glaze over. They say the total cost of the bill for 1 year is \$815 million. That means they make \$17 billion worth of loans, and somewhere around half a percent of those or \$800 million may go bad. We are talking million. The rest is paid back. There are other minor losses on fees. Total cost to the Government is \$816 million.

I am almost embarrassed to come out here and talk about a stimulus package in terms of millions of dollars because anybody on this floor worth their salt can get up and talk about billions and billions and billions of dollars they would like to see in stimulus. We can get small business investing, growing, hiring more people, paying wages, buying equipment, being good customers for other businesses, for \$816 million.

I think this bill makes sense. We have a majority of the Senate cosponsoring it. Let's get on with this bill. If we are not able to bring it up as a separate bill, I have this warm feeling that it will be offered as an amendment at some point and we will have an opportunity for that full debate at that time.

I agree with my colleague from Massachusetts; I expect as usual when we are talking about helping small business, some 80 to 90 Members of this body will go along with us.

I strongly urge my colleagues to let us know what their problems are with the bill, talk it out, get it done, and pass it. We are going to have an opportunity to vote on it at some point.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I ask unanimous consent I be given up to 15 minutes as in morning business.

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

REMEMBER NEW YORK

Mrs. CLINTON. Madam President, exactly 11 weeks ago today, we as a nation suffered the most horrific and tragic attack in our long history on our shores. It is almost impossible to reconstruct the feelings, the emotions, the reactions that have swept through our Nation in the wake of the events of September 11. Certainly our Nation has responded both abroad, under the President's leadership, through the extraordinary efforts of our men and women in uniform, to root out the terrorists responsible for this attack. Here at home we have faced continuing challenges in the aftermath of September 11, including the use of anthrax to bring about death and injury and create an atmosphere of fear. But I want to bring our attention back to that part of our Nation that suffered the most grievous attack. That was in New York City in Lower Manhattan.

I don't think it was any accident that the terrorists chose this particular place in America to launch their attack. New York City is the global city, not only the capital of global finance but of global media, of entertainment, of intellectual ferment. It is a beacon, a magnet for immigrants from throughout the world. So the attack was well planned, not only to destroy buildings and kill innocent people but to send a signal to America that the terrorists were aiming to undermine our way of life.

Clearly, we have responded with such strength and resolution that the effort undertaken by those who thought they would destroy us has clearly been repudiated. We are, I believe, stronger and more unified today than we were on September 10. For that I am grateful. But I do not want our country, as we turn our television sets and our eyes toward Afghanistan, as we worry about tracking down whoever sent anthrax-laden envelopes to innocent people, including our colleagues, I do not want anyone to forget what happened on September 11 in New York City.

This is an aerial view of Lower Manhattan. It gives you some sense of the destruction—acres and acres of destroyed buildings, fires that are still burning below ground. Looking at this today brings back the memories that I will always have of flying over this site on September 12 and looking down and not only seeing that the towers and neighboring buildings were gone but looking into what appeared to be the jaws of hell.

But beyond this picture of destruction there are so many lives that have been impacted forever, not only those who are no longer with us but their family members, their colleagues, their friends, and their neighbors have been affected, not only those who lost their lives but so many whose livelihoods were turned upside down.

In New York City alone, as a result of the World Trade Center attacks, we lost over 3,500 innocent people. We are still reading their profiles and learning a little bit about each one because of the extraordinary series that the New York Times runs every day. For that I thank the Times.

Some 20,000 families who called Lower Manhattan home were rendered homeless. Think of it; 20,000 families couldn't go home, not only because of the destruction but because of the air quality. It was reported yesterday that 8,000 have still not returned home.

Madam President, 15 or 20 million square feet of office space was damaged or destroyed resulting in the loss of nearly 125,000 jobs. And because the scene—not just the immediate area of destruction known as Ground Zero but reaching far beyond—is a crime scene, and because the removal of the debris ties up streets, we have an area that is called the frozen zone. That makes it very difficult for businesses and residents to be able to resume anything resembling normal life.

The New York City Partnership estimates we lost nearly 125,000 jobs, and that a total of 270,000 are at risk. The Partnership expects over 50,000 small businesses to close their doors during the first quarter of the coming year. In the 45 days following the attack, 3,400 small businesses rendered inaccessible because of the damage and the crime scene designation lost an estimated \$795 million in revenues.

We know the specific cases of the losses are not just in the private sector, because the public sector was also impacted in a way from which it will take years to recover. The Metropolitan Transportation Authority and the Port Authority of New York suffered millions of dollars to subway stations, to the PATH train station and infrastructure that ran underground, under the river, bringing thousands and thousands of people to work every day.

Hundreds of thousands of residents and businesses lost electricity and telephone capacity. Many remain without telephones all these weeks later.

Verizon, which provides our phone service, and serves 300,000 voice lines and 3.5 million data circuits out of its building at 140 West Street, was severely impacted because the building was destroyed.

Con Ed lost two substations that supplied power for nearly 400,000 homes and businesses and suffered destruction of 11,000 feet of gas distribution lines. Con Ed continues to provide electricity through what are effectively 35 miles of extension cords. I have seen these big extension cords lying on top of the streets, and I know this is something that needs to be tended to so they are cared for and covered up before the winter comes.

Many of New York's hospitals which cleared their beds in order to be ready for the injured, many of whom never came because they lost their lives instead, suffered millions of dollars in losses.

The estimates for the economic loss, for the cost of debris removal, for infrastructure repair and rebuilding, are in the range of \$100 billion.

During those days after the attacks we received a tremendous amount of support. Indeed, many people, many of my colleagues as well as colleagues in the House, made the trip to Ground Zero because they understood what our Constitution says, which is that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion. When we were invaded by those hijacked airplanes on September 11, our country responded, not only out of the goodness of our hearts, out of a sense of empathy and sympathy, but because as a United States that is what is called for in our Constitution.

Many who came, including the President with whom I went to Ground Zero, made a clear commitment. As the President said in the joint session of Congress on September 21: We will rebuild New York City.

The Speaker of the House made a wonderful commitment to see New York "rise from the ashes that we saw today."

Our leaders, Senator DASCHLE, Senator LOTT, Congressman GEPHARDT, all made that commitment. And OMB Director Mitch Daniels said the President's pledge of \$20 billion is an absolute guarantee and it is likely to be more. Of course, it will be more because the damage is so much more.

In those first days we had tremendous support, not only from our majority leader but from the chairman of the Appropriations Committee, Senator BYRD. Senator SCHUMER and I went to Senator DASCHLE and Senator BYRD and to the President, told them what we had seen, made clear we were going to face tremendous needs that we could not carry on our own, and secured a commitment for \$20 billion to address those needs.

We all acknowledge that that \$20 billion was a first installment. With the invoices beginning to come in, it is quite clear that the cost will be considerably higher. That is not something new for our Nation. In natural disasters, and in terrorist attacks in the past, the Federal Government, which represents all of us, has stepped up to the plate to take care of Americans.

The charts here illustrate the loss of life and damage from just a sampling of past disasters—Hurricane Hugo in 1989, the Northridge earthquake in California in 1994, the Oklahoma City bombing in 1995, and the World Trade Center attack. If you look at the loss of life in this first chart, you can see how the World Trade Center compares—the terrible, terrible commentary, to think that with all of the natural disasters to which we are subject in our Nation that take the lives of innocent people caught in a hurricane, or a tornado, or caught in an earthquake, or a flood, what happened

at the World Trade Center is so much greater. The enormity of it, even today with the count at 3,553, is almost impossible for us to take in.

If you look at the estimated economic impact from major disasters—again looking at Hurricane Hugo, Northridge, Oklahoma City, World Trade Center—Hurricane Hugo resulted in losses exceeding \$10 billion; the Northridge earthquake had a total cost of \$25 billion; in Oklahoma City, the cost totaled \$650 million; and, again, if we look at the World Trade Center with costs in excess of \$100 billion, it is so much greater than any tragedy, natural or man-caused tragedy, that we have ever encountered.

The Federal Government has always come to our rescue. If you look at these examples—we could have taken others, but these are representative—the return to the impacted area, the city or the State, has always been in the range of 30 percent to 40 percent of economic loss.

With the money so far allocated by the White House from the \$40 billion emergency package enacted following the attacks, combined with amounts earmarked for New York in the House appropriations bill, the financial capital of the world, a place that has so much meaning in our Nation's history and the home of 8 million fellow Americans, is receiving just 11 percent of the estimated losses suffered. Hurricane Hugo received 38 percent; the Northridge earthquake in California, 39 percent; Oklahoma City, 41 percent; and, so far, even including the House appropriations, 11 percent for what New York has suffered. Even with the full \$20 billion committed by the President following the attacks, the Federal response would only be in the 20-percent range.

Sadly, while I, along with many of my colleagues, acknowledge that this \$20 billion would be just a first installment, even that money has been slow to come.

If we look at where we stand with respect to the summaries of loss of life, the economic impact, and the estimated percentage of Federal response, we can see that New York is not getting the help that we not only should expect but must count on.

New York needs that \$20 billion which has been promised—not next year but this year. The resources allocated thus far by the White House and the House appropriations bill leave so many immediate needs unmet.

If you look at what has already been provided, we are grateful indeed for this help because already provided is \$2 billion through FEMA for emergency response and debris removal; \$500 million for SBA loans, medical services, and dislocated worker assistance; \$700 million to go into a community development block grant; the House added to the money that the administration had already provided an additional \$8 billion desperately needed, to increase the amount for debris removal by \$4.4

billion; to increase the amount for the community development block grant by \$1.8 billion; to put some money into workers compensation, which is desperately needed, of \$175 million; and then creating an emergency employment clearinghouse to help all of the dislocated workers who have, through no fault of their own, lost their jobs in the aftermath of September 11.

The total is \$11.2 billion, far short of the \$20 billion that New York was promised and that many of my colleagues and colleagues in the House and people in the administration certainly committed.

Let's look at what is left out. New York City agency costs, MTA infrastructure damages, Port Authority costs, the utilities and exchange costs, hospital costs, university facilities that were impacted, unemployment assistance, health care coverage for our displaced residents and businesses—all of those are zero.

If you look at where New York's \$20 billion should be for ground zero, unfortunately, too many of our needs are on zero ground. All of these needs that have been specified are not being taken into account by either the administration or the House appropriations process.

I commend my House colleagues from New York who fought hard, especially the five members of the Appropriations Committee. They waged a valiant battle, which actually resulted in increasing what the administration was going to give us this year by \$8 billion. It was against a tremendous amount of pressure that was placed on them.

There was lobbying against New York getting this necessary money from the highest places in the administration, which I just for the life of me don't understand. I do not recall there being any argument for any lobbying against the needs of our residents and citizens who were impacted by Oklahoma City or by the Northridge earthquake or by the hurricanes or floods or tornados that we have suffered. Yet the damage here is so much greater.

People say, well, you know you can't use that money right now. That is just not true. We have specific requests that have been backed up by each of these particular items. We know we can sure use the unemployment assistance and the COBRA premium assistance because of all of our unemployed workers. We know the utilities have already spent over \$1 billion getting telephone service and electricity reconnected. We could go down each of these.

We are particularly concerned about our hospitals because so many of them spent millions and millions of dollars and turned away revenues in order to be ready for injured victims who never came.

The Senate will begin its work on the appropriations for New York as well as the stimulus package which includes some incentives that will help us to

keep businesses and provide some assistance for residents so they will go back downtown despite the fact that the fires are still burning. The air quality is subject to question. We will be able to provide some additional help to our hospitals, we hope, as well as to businesses to stay in Manhattan and New York City.

The Senate is about to begin our process. But I wanted to take a few minutes on this day of commemoration as to what happened to New York and America 11 weeks ago to remind all of us about the cost of these attacks. New York City is a place noted for resilience. I think the country and the world have certainly seen that. It is a place that bounces back and keeps going. But one only has to be reminded of the tremendous damage that was inflicted to know we need some help. We are more than willing to pick ourselves up and rebuild and do what needs to be done to make this an even greater city in the 21st century than it has been for 400 years, but now New York needs America's help. For decade after decade after decade, New York has sent billions and billions and billions of dollars right here to Washington. We run a balance of payment deficit between New York and Washington that is \$15 to \$18 billion a year. But New York has a lot of wealthy people. Fifteen percent of the State's revenues came right out of Ground Zero. So we have paid for a lot of what needed to be paid for in our country that did not directly affect New York.

We pay for commodities support systems so we have a good, safe food supply, and our farmers are well prepared to produce the food we need. We pay for our military even though we only have one major base left in our State. We pay for so many of the needs that people have all over America. So as far as we are concerned, that is one of the prices we pay for being so successful.

But now New York needs America's help. After having done so much for so long to make sure our country was strong and prepared for the future, we need some help to put New York back into business so that it will continue as the capital of the global markets, as the capital of the global entertainment and media world.

And so, Madam President, I ask that the administration reconsider its position and be willing to provide us with the additional money that so many of our people need and so many of our agencies require to get back on their feet. I hope that everyone will remember that disparity of damage and economic cost compared to the amount that has been provided for us and make good on the President's promise of \$20 billion. That was one of the most emotional moments that I can certainly remember. To have such a quick, open response from the President to meet the needs of New York was a shot in the arm and a great confidence booster when we needed to hear it. What a shame it would be if that promise isn't

fulfilled and if it isn't fulfilled in a timely manner this year so people can put that money to work to rebuild their lives, to reclaim their jobs, to keep their businesses going, to repair the infrastructure, and to make clear that New York is back and better than ever.

I appreciate the opportunity to take a few minutes to talk about where we are 11 weeks after this attack and to remind all of us that it was an attack on America, and New York is counting on America's help.

Thank you very much.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

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

THE SELECTIVE SERVICE SYSTEM

Mr. THURMOND. Madam President, in the wake of the September 11, 2001 attacks on the World Trade Center and the Pentagon, our Armed Forces have again been called upon to preserve our National Security. The Secretary of Defense and Chairman of the Joint Chiefs of Staff previously assured us that the military was ready for this latest endeavor. As demonstrated by the ongoing actions in Afghanistan, they were right on target. As the senior member of the Senate Armed Services Committee and a retired Major General, I heartily concur that the world has never seen a finer fighting force. However, as President Bush cautioned in his September 20 address to Congress, "Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen."

International terrorism is an enemy different than any we have faced before. President Bush has made it clear that ridding the world of this evil is of the utmost importance. He stated "terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments." As we continue to wage "civilization's fight" we must ensure our National Security structure is prepared for an unpredictable future.

Providing for our Nation's security is the most important responsibility of the United States Congress. The Constitution instructs the Congress "To

raise and support Armies. . . ." and "To provide and maintain a Navy." Since it is possible that we may be facing a lengthy campaign which potentially includes casualties, Senators and Representatives must be prepared to take whatever actions are required to meet this sacred Constitutional directive. Although the Armed Forces have succeeded in meeting this year's recruiting goals, there are no guarantees that tomorrow's youth will volunteer to the degree required to maintain the end strength goals of our Army, Navy, Air Force and Marine Corps.

Like all of you, I pray that we are able to swiftly bring to justice those who perpetrated these heinous crimes of September 11. I hope this can be done without incurring further loss of American lives and that diplomacy and international law will succeed in eliminating the threat of terrorism in the future. Developments around the world following the attacks give us hope that some good may come from this tragedy. For example, in Ireland officials have reported important progress in their negotiations for arms decommissioning. Unfortunately, history illustrates that terrorism has existed for over two thousand years. Certain cowardly groups will inevitably resort to terror against innocent people to compensate for their weakness and attempt to achieve their objectives. Accordingly, the President has rightly turned to our men and women in uniform.

Several years ago, I argued that; "we need to take a hard look to see if it is time to reinstate compulsory national service." I believed then, as I do now, that the positive benefits to the Nation from compulsory service outweigh any of the conceivable drawbacks. However, the reality is that even today as we face the most serious threat to our Nation since the Second World War, a national draft of some sort is not being actively considered. The military is not eager to return to a conscript force, and others have not recognized the opportunity and value of asking Americans to provide public service as a responsibility of citizenship.

Moreover, some have argued against the practicality of maintaining the Selective Service System at all, claiming that its application is now merely a part of the past. On the contrary, I believe that Selective Service is a national security insurance policy in place for the scenarios we are facing today or may potentially face in the future. If, as the President has said, defeating the evil of international terrorism will require a substantial National effort, the United States must be prepared. In this case, the Selective Service System will be needed as an integral element for assuring our Nation's Security.

The recent attacks in New York and Washington, DC, and the subsequent anthrax cases have forever changed the way our leaders consider National Security. In response, we must take appropriate actions. I agree with and sup-

port President Bush's assertion that nothing is to be ruled out of consideration. Furthermore, I believe that operational readiness or response to a major crisis may require the resources of the Selective Service System. For this reason we must make absolutely certain that this organization is at the highest level of readiness and ability. Sadly, this is currently not the case.

Here are the facts. In 1985, the budget for the Selective Service System was \$27.8 million. Today, the budget is \$24.4 million, which in constant dollars equals roughly \$11 million. Today there are 150 fewer civilians and 300 fewer military personnel associated with the Selective Service to carry out its missions. Finally, in 1985, if called upon to respond to a crisis, the Selective Service was capable of delivering personnel in 13 days. Today, we would have to wait 193 days for the first person.

Some believe that 193 days is an acceptable amount of time. They argue that the likelihood of a crisis of significant magnitude to require a draft is simply too remote. Unfortunately, such thinking is naive. Recently, the Senate Armed Service Committee held a hearing to examine the results of an exercise called "Dark Winter." The exercise, which took place at Andrews Air Force Base in June of this year, simulated a possible United States reaction to the deliberate introduction of smallpox in three states during the winter of 2002. The exercise highlighted a number of potential problems. Foremost among those was that the medical system was quickly overwhelmed and that public health is now a major national security issue.

We now know that bioterrorism is not merely a concept for a war game. The Anthrax cases have highlighted the need to have a rapid and substantial response to medical crisis. In 1987, Congress correctly tasked the Selective Service System to develop a system to draft health care personnel during a crisis. Driving Congressional concerns at that time were the unpredictability of future threats and the availability of weapons of mass destruction, specifically, biological, chemical or nuclear. However, no additional resources have been provided since then and this program remains incomplete. No database exists to quickly mobilize health care practitioners in a crisis. Furthermore, we do not have a validated centralized database of health care skills.

Again, there are those who believe if there were a crisis of the "Dark Winter" type, the existing resources of the Federal government would suffice. This is absolutely not the case. This past February, the head of the Joint Task Force for Civil Support, Major General Bruce Lawlor, expressed concern about the existing military medical system responding to a homeland crisis. Specifically, he pointed out that the Army medical system has been downsized by as much as 40 percent and "what remains is not organized for domestic support." Further, he cautioned that

the current organization "is not designed to deal with a large number of civilian casualties that could occur in case of a domestic terrorist event. Consequently, he recommended that the active duty military medical system be considered the "last resort."

I believe the Selective Service System is precisely the right tool to respond to such a crisis. I envision an extremely capable and flexible Selective Service System. A system that can, when called upon, deliver medical personnel for homeland defense in a matter of days and deliver these professionals where they are needed in order to save lives. A truly capable Selective Service System would be able to identify whatever specific skill was required in order to guarantee the security of our Nation and quickly deliver appropriate individuals to where they were needed. Such a system should require more than simply filling out one card at age 18. In order to keep records current and databases useful, one might be required to update information periodically. I am confident that all Americans would be pleased and honored to do this small part for their Country.

Congress would also have to make some difficult decisions. First, women would also have to be considered eligible for the draft. One could not envision a draft of Doctors and Nurses without calling upon the many women who make up the majority of the health care profession. Also, Congressional language prohibits any allocation of resources or implementation of plans for a special skills draft such as I have just described. Finally, an enhanced Selective Service System would clearly require greater funding and manpower.

I have previously asked my colleagues to debate this issue, and now is the time for action. I plan to introduce legislation which will strike those provisions of the law which prohibit the Selective Service System from implementing a special skills draft. Additionally, I have asked the General Accounting Office to conduct a study to determine the costs of a Selective Service System capable of performing the myriad of tasks I envision. Finally, In the next Session of this Congress, I will introduce legislation which will require the registration of all Americans for Selective Service at age 18.

The 21st Century is upon us and we must recognize that all Americans share the responsibility to protect our homeland. I am confident that all Americans are eager to do their part.

DEATH OF SAMUEL L. WOODRING

Mr. THURMOND. Madam President, I rise today in remembrance of Mr. Samuel L. Woodring, a dedicated member of the community of North Augusta, SC, who passed away Thursday, November 15, 2001, at the age of 75.

Sam Woodring will be remembered as one of North Augusta's most visible

and spirited citizens. Perhaps best known as the owner and publisher of *The STAR* newspaper, Mr. Woodring led the weekly newspaper for 45 years and was one of the city's most outspoken commentators. He worked tirelessly to inform the people of North Augusta and to remind the community's public officials that their ultimate responsibility was to the citizens who placed them in office. His work the *STAR* newspaper earned him great respect within the journalism community of South Carolina and he won numerous awards from the South Carolina Press Association, including the prestigious Elijah Parish Lovejoy Award for Courage in Journalism.

However, the significant contributions Mr. Woodring made during his lifetime are not limited to his role with *The STAR* newspaper. He also served the people of North Augusta as the president of the Chamber of Commerce, and he was a recipient of the Order of the Palmetto, South Carolina's highest civilian honor. In addition, he served his country with honor and courage in the United States Army during World War II.

In conclusion, Sam Woodring was a man of character and integrity who will be greatly missed by a wide circle of friends. He lived a life of accomplishment and made wonderful contributions to the community of North Augusta. He was a true American and a fine South Carolinian, and my heartfelt thoughts and prayers remain with his family during their time of mourning.

TITLE I TARGETING

AMENDMENT NO. 2058

Mr. LIEBERMAN. Madam President, I am proud to have joined Senators LANDRIEU, COCHRAN, and DEWINE in offering a truly historic amendment, which will for the first time specifically target new title I funding directly to our nation's poorest communities and schools. In doing so, this amendment will help us move closer to realizing the original promise of title I and, more importantly, help us move closer to realizing the promise we have made to give every child in America a high quality education.

The compromise reached today will provide \$1 billion for the targeted grant formula under title I, which was enacted into law by Congress in 1994 but unfortunately has never actually been funded by appropriators. This agreement ensures that no state, or local school district will lose any funds, but at the same time ensures those school districts with the greatest need and with the greatest challenges will receive a significant boost in resources.

For example in my own State of Connecticut, this would mean our three communities with the greatest poverty and educational needs including Bridgeport, Hartford, and New Haven would receive increases of 25, 35, and 31 percent, respectively, over their cur-

rent funding levels for a combined increase of over \$12.4 million. That is \$12 million more worth of educational services provided and high quality teachers hired to ensure that title I children may achieve academic successes. I would also mean substantial increases in investment for many other communities serving low-income students.

This agreement is by no means perfect. It leaves in place a distribution system that remains badly diluted and seriously inefficient. However, it represents a dramatic change in policy, one that Senator LANDRIEU and I, and the members of the Senate New Democrat Coalition have been fighting for for some time. And we are optimistic that we can build on his breakthrough in the future to really put our education money where our mouth is, and concentrate our resources and our resolve on lifting up our most disadvantaged schools.

Most immediately, this amendment makes a strong statement, acknowledging that title I is just not working as it was intended. The original goal of this critical program was to compensate for local funding inequities within States and help level the playing field for low-income children. But the truth is that this well-intentioned program is not nearly as focused on serving poor communities as it is perceived to be, leaving many poor children without any aid or hope whatsoever.

As my colleagues know, Federal funds for poor children are currently distributed through two grants, basic and concentration. In order to be eligible for basic grants, which comprise the bulk of current title I funds, local districts only need to have 10 school-age children from low-income families, and these children must constitute only 2 percent of the total school-age population. Under the concentration grants, districts with a child poverty rate of 15 percent are eligible to receive funding. As a result of these low threshold, title I funding has been spread too thin and too wide. In fact, according to a 1999 CRS report, title I grants are provided to approximately 90 percent of all local school districts, and 58 percent of all public schools. Even worse, because title I has not been close to fully funded, these diluted formulas have left little aid available for many of the country's poorest students. CRS found that one fifth of all schools with concentrations of poverty between 50 and 75 percent do not receive a dime of title I funding.

In examining these inequities we also cannot ignore the growing impact that concentration of poverty is having on the academic achievement of our nation's school children, particularly those who live in disadvantaged communities. America's top 150 highest poverty cities have 40 percent of our all title I students. Students in these cities face many challenges, none greater than the pervasive poverty that sur-

rounds them. Studies show that, even after controlling for student's socioeconomic background, concentration of poverty has an important negative effect on student achievement.

For example, a U.S. Department of Education study found that "The relationship between family poverty status and student achievement is not as strong as the relationship between school poverty concentrations and school achievement averages." An Urban Institute study of public-housing students in Albuquerque, NM found that, after controlling for home environment, if a poor child lived in a neighborhood and attended school with 20 percent poverty rather than 80 percent poverty, that child's standardized test scores were likely to improve by 13 percentage points.

Concentration of poverty does create a barrier to educational achievement, but that barrier is not impenetrable. University of Tennessee's William Sanders found that high concentrations of poverty do not on their own preclude or prevent schools from raising student achievement. Low-achieving students are often the first to gain, and experience the greatest gains, from quality instruction. Unfortunately, only a small share of our federal resources are getting to the districts most in need of critical funds, which limits the ability of those districts to hire the most qualified instructors and provide the best services.

The Federal Government alone cannot solve this grave inequity. We can only supplement state and local funding, but cannot supplant those resources, and states and localities must do more to target their own resources. A recent Education Trust analysis of funding inequities reveals that school districts with the greatest numbers of poor children have less money to spend per student than districts with the fewest poor children. And a growing body of research shows, according to the Education Trust report, that additional dollars, if directed at the most critical activities, can significantly raise the achievement of poor and minority students.

But the Federal Government can make a real and consequential contribution, both in terms of leadership and of leverage of national resources, and this amendment aims to do both. As I have noted, it will significantly improve the targeting of Federal dollars. But it also includes a second piece that will help reduce the inequities within states. In addition to funding the targeted formula for the first time, this amendment also funds the State finance and incentive grant formula for the first time, a formula intended to reward states that have made real strides in eliminating funding gaps with their own resources.

The amendment calls for channeling \$500 million through this fourth formula, which is commonly known as the "Effort and Equity" formula. Although I share the concerns raised by many

that the current design of this formula has substantial flaws and should be modified so that truly meets its intended goal, I also share the belief of my colleague from Iowa that we should do more at the federal level to prompt states to better equalize their own funding.

That is why I am committed to seeing improvements made to the effort and equity formula through the Elementary and Secondary Education Act conference that is currently pending. I commend Senator HARKIN for his willingness to reexamine and overhaul this formula so that it better targets funds within states to the districts with the highest concentrations of poverty. And I look forward to working with him and with a common focus to improve the fairness and the performance of title I. In achieving this goal, I believe that we can further work together to see even more funds appropriated to the targeted formula as the appropriations process moves forward.

The compromise we have struck today might not be politically popular or perfect, but it is a great beginning and a way to draw our attention back to the original intent of the ESEA and the primary function of the Federal Government in education. It is a bold step forward, one that I believe that we can only enhance as the appropriations process as well as the ESEA conference moves forward, and I urge my colleagues to join us in supporting it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this 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 in April 1995 in Seattle, WA. Ian West, 29, was arrested for attacking a gay man. Mr. West was subsequently sentenced to five days in jail, ordered to pay restitution, perform community service, and complete an anger management class.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

DONALD TAYER: IN MEMORIAM

• Mrs. BOXER. Mr. President, on October 26th, I was deeply saddened to learn of the passing of San Francisco Bay Area resident, Donald Tayer.

I have known Don Tayer and his family since the beginning of my career in

public office, when I served as a Marin County supervisor and Don served as councilmember and mayor of the town of Tiburon. He was a multit talented man who cared deeply for his community.

In addition to his work as a local elected official, Don Tayer forged a distinguished legal career as a senior partner in the firm of Beeson, Tayer & Bodine. For 25 years, he served as Executive Secretary in the San Francisco office of the American Federation of Television and Radio Artists (AFTRA) and the Screen Actors Guild; he served as counsel to the Actors' Equity Association and the American Guild of Musical Artists; he was the very first recipient of the Annual Bill Hillman Award, in recognition of his service to AFTRA's San Francisco local; and in August of this year he received AFTRA's National George Heller Memorial Gold Card—the highest honor bestowed by the union—for his many and remarkable contributions.

He was an adjunct professor in the School of Urban and Public Affairs at Golden Gate University and former chairman of the Labor and Employment Law Section of the Bar Association of San Francisco.

Don also somehow found the time to enjoy a rich cultural and community life. He was president of the San Francisco Bay Area Chapter of the American Jewish Committee for 5 years, and continued to serve as a member of the Committee's National Board of Governors. He was a recipient of its Distinguished Service Award in 1987.

Don Tayer served on the Marin Arts Council and was both president and a member of the Board of Directors of San Francisco's Center for the Arts at Yerba Buena Gardens—where a memorial tribute will be held on December 1st.

I offer my condolences to Don's wonderful wife Joyce; to his children Lisa and Marc and his four grandchildren.●

TRIBUTE TO KATHRYN KAY AND HER "THANKSGIVING PRAYER"

• Mr. HATCH. Mr. President, today I pay tribute to a wonderful Utah woman, mother, and nationally published poet, Ms. Kathryn Kay. I also want to relate a remarkable story concerning Ms. Kay and a poem she wrote more than 60 years ago.

The poem, "Thanksgiving Prayer," and the story behind it could have happened today. Its message is timely, its impetus notable.

"Thanksgiving Prayer" was part of a book of poems *If the Shoe Fits*, written by Kathryn Kay. The book was sold out of a little book store in the heart of Hollywood, California, where Ms. Kay was living and working at the time. The book, and its ensuing poem, were read and well-liked by many Hollywood stars, including the wife of the legendary veteran film actor, Hobart Bosworth.

At that time, the Nation was about to embark on a celebration commemo-

rating the sesquicentennial of the ratification of the Bill of Rights. Mrs. Bosworth was serving as the Pacific Coast chairwoman of the celebration, and in that role was able to give the poem, "Thanksgiving Prayer," to President Franklin and Eleanor Roosevelt. She framed it in gold and presented it to Eleanor Roosevelt for her work in improving the cultural arts. Kathryn also officially dedicated the poem to her with "sincere appreciation of her example, which causes women of today to build for tomorrow."

Mrs. Bosworth also arranged for this poem to be part of the Southern California Bill of Rights Celebration. She had the poem cast on a large bronze plaque, ready to be placed on Mt. Whitney, and read at the beginning of the official week long celebration of the Bill of Rights, as proclaimed by President Roosevelt. The date for the ceremony was December 7, 1941.

As history so tragically reminds us, no celebrations took place that day; America was attacked, and we were at war.

The bronze plaque was melted down to make bullet casings for the war America was battling. The heartfelt words of gratitude for America would not be immortalized.

Ms. Kay went on to publish many more poems, and two more books of poetry. She returned to Utah, and continued her career in live television and as a columnist for the Salt Lake Tribune. She married Lee Pratt, and raised two wonderful sons.

But her love for poetry never dimmed. Kathryn Kay has been a driving force for many, many years in Utah to promote poetry, from the high school to the professional society level. She helped found the Utah State Poetry Society, and served two terms as its president. In fact, well into her late 80s, she continued to edit the society's yearly publication.

Kathryn is 95 years old, still living in Utah, and still touching the lives of those around her. Perhaps her greatest tribute recently came from her son, Jim. He described his mother this way: "She is a happy breath of sunshine, who appreciates life and makes life better for everyone she meets."

I pay tribute to Kathryn Kay today, and in turn, share with the Nation the words penned by her so many years ago. As we all pause during the next few weeks to celebrate the holiday season in our own way, I hope that the words of this poem written during another time of conflict and war will serve to strengthen us and remind us of the blessings we share as Americans.

The poem follows:

THANKSGIVING PRAYER

God ev'ry year about this time,
according to routine,
I've bowed my head in the accepted way
and offered thanks, like some well syn-
chronized machine.
that prayed because it was the time to pray.
But, God, this year is different, this year I
seem to feel

America's Thanksgiving is my own,
 that in my nation's gratitude I have a part
 that's real
 a part that until now I've never known.
 And, God, this year a deep humility has
 filled my heart,
 a newborn pride rings true throughout my
 soul
 because I do belong, because I have and am
 a part,
 a tiny part of one tremendous whole.
 I think I know the feeling of those first
 Americans
 who said, "We must give thanks for this, our
 land."
 I cherish now the rights that are each wom-
 an's, ev'ry man's,
 the rights I've just begun to understand.
 This year my heart has learned what all
 Thanksgiving Days are for,
 true thankfulness at last I realize,
 but, God, I'm sorry that it took the tragedy
 of war
 in other lands to open up my eyes.
 Again I bow my head but this time deep
 within me stirs
 a mighty prayer, part of one vast design,
 "God, help me make America as proud that
 I am hers
 as I am proud, and grateful she is mine!"•

HONORING MONTANA'S STUDENTS

• Mr. BAUCUS. Madam President, I rise today to congratulate science students and science educators in my home State of Montana.

Last week, newly released scores from the 2000 National Assessment of Educational Progress, NAEP, often referred to as "Our Nation's Report Card," placed Montana's eighth grade science students atop the Nation. Our fourth grade students earned the 2nd highest score among States.

These scores reflect the high quality science education that Montana's teachers provide. I am proud of the dedication and hard work of Montana's teachers and students; in our technologically-advanced, information-rich society, an understanding of scientific thought and an ability to use scientific methods to make new discoveries will be critical to improving our quality of life.

We often lament our public education system and the challenges it faces. There can be no doubt that we can and must meet these challenges. The scores that I commend today, however, demonstrate two things. First, that dedicated, hard-working teachers are critical to the success of the education we provide. Second, that our public schools deliver a quality education, despite the financial challenges they face.

These scores also underscore the importance of investing in our education system. In my State of Montana, teachers have demonstrated again and again their teaching skills, their commitment to delivering a solid education, and their ability to make creative improvements in their schools and classrooms, all this, despite low wages and ever-increasing responsibilities. Unfortunately, this level of commitment will not persevere if these trends continue.

We are at a crossroads at the Federal level with respect to education policy and financial support. We know that a quality education is the key to future success as individuals and as a nation. We need to make a commitment to our students that the education they receive will provide them with the knowledge and skills they need to be successful.

Let's match the commitment that Montana's teachers and students have made to science education excellence with a commitment from the Federal level to provide the resources and support that they need.•

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.)

MESSAGES FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on November 16, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee on conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 1447) to improve aviation security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions:

S. Con. Res. 83. Concurrent resolution providing for a National Day of Reconciliation.

S. Con. Res. 85. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on November 16, 2001.

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 272. Concurrent resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587.

The message further announced that the House has passed the following bill, with an amendment:

S. 1196. An act to amend the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on November 17, 2001, she had presented to the President of the United States the following enrolled bill:

S. 1447. An act to improve aviation security, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 2559: A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1271: A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1729: An original bill to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001.

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1731: An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Mark W. Olson, of Minnesota, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

*Susan Schmidt Bies, of Tennessee, to be a Member of the Board of Governors of the Federal Reserve System for a term of four years from February 1, 1998.

*James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

*John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2009.

*John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2002.

*Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

*Franz S. Leichter, of New York, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2006.

*Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. BIDEN, from the Committee on Foreign Relations.

Treaty Doc. 106-6 (Exec. Report No. 107-2).
TEXT OF THE COMMITTEE RECOMMENDED RESOLUTIONS OF ADVICE AND CONSENT: (TREATY DOC. 106-6)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998 (Treaty Document 106-6; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION FROM COVERAGE OF TERM "ARMED CONFLICT". The United States of America understands that the term "armed conflict" in Article 19(2) of the Convention does not include internal disturbances and

tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) MEANING OF TERM "INTERNATIONAL HUMANITARIAN LAW". The United States of America understands that the term "international humanitarian law" in Article 19 of the Convention has the same substantive meaning as the law of war.

(3) EXCLUSION FROM COVERAGE OF ACTIVITIES BY MILITARY FORCES. The United States understands that, under Article 19 and Article 1(4), the Convention does not apply to—

(A) the military forces of a state in the exercise of their official duties;

(B) civilians who direct or organize the official activities of military forces of a state; or

(C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT. The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998, unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION. Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT: (TREATY DOC. 106-49)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Document 106-49; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 24(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 24(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION OF LEGITIMATE ACTIVITIES AGAINST LAWFUL TARGETS. The United States of America understands that nothing in the Convention precludes any State Party to the Convention from conducting any legitimate activity against any lawful target in accordance with the law of armed conflict.

(2) MEANING OF THE TERM "ARMED CONFLICT". The United States of America understands that the term "armed conflict" in Article 2(1)(b) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT. The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998 unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION. Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

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. KENNEDY:

S. 1729. An original bill to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. AKAKA:

S. 1730. A bill for the relief of Vichayai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1731. An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DASCHLE:

S. 1732. A bill to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes; read the first time.

By Mr. EDWARDS:

S. 1733. A bill to develop and implement a unified electronic data system to enhance access to information that is relevant to determine whether to issue a visa or admit an alien to the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1734. A bill to require a transfer of jurisdiction for development of an Armed Forces recreation facility, Park City, Utah; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1735. A bill to establish a National Commission on Threats to the Homeland and United States National Security; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 677

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 790

At the request of Mr. BROWNBAC, the name of the Senator from Ohio (Mr.

VOINOVICH) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 829

At the request of Mr. BROWNBAC, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 1022

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors 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. 1084

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors 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. 1174

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1174, a bill to provide for safe incarceration of juvenile offenders.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cospon-

sor 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. 1365

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1365, a bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes.

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1365, supra.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1496

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1496, a bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator.

S. 1499

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1499, supra.

S. 1500

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1502

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBAC) was added as a cosponsor of S. 1502, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes.

S. 1512

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1512, a bill to report on any air space

restrictions put in place as a result of September 11, 2001, terrorist attacks that remain in place.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1618

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. BURNS), the Senator from Ohio (Mr. DEWINE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1723

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 1723, a bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions.

S.RES. 109

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Louisiana (Mr. BREAU) were added as cosponsors of S.Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the

Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1734. A bill to require a transfer of jurisdiction for development of an Armed Forces recreation facility, Park City, Utah; to the Committee on Energy and Natural Resources.

Mr. HATCH. Madam President, today I introduce a bill that requires a transfer of jurisdiction for development of an Armed Forces recreation facility in Park City, UT. This bill would enable the Secretary of the Interior to transfer, without reimbursement, a parcel of real property in Park City to the Secretary of the Air Force. The Air Force will use this property as the location for an Armed Forces recreation facility.

I can think of no better use for this beautiful land in Utah than to support the military men and women who are serving our country. The bill I introduce today is the culmination of several months of careful coordination between the Department of Interior and the Department of Defense to make certain that the transfer is accomplished within all applicable laws, policies, and regulations. Given the tremendous challenges our nation's service members face at this time, I am proud to introduce this bill which will contribute much to the morale, recreation, and welfare of our service members. I hope that we can secure quick passage of this important legislation.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1735. A bill to establish a National Commission on Threats to the Homeland and United States National Security; to the Committee on Armed Services.

Mr. BIDEN. Madam President, today I am pleased to join Senator LUGAR in introducing legislation to create the National Commission on Threats to the Homeland and United States National Security.

Two months ago, in barbaric attacks in New York and Washington that we will never forget, the world changed before our eyes. In an instant, the fight against terrorism became our top national security priority. That new reality requires us to undertake a thorough review of our national security

priorities. That effort is underway across the executive branch and in several committees of Congress. President Bush acted decisively to create the Office of Homeland Security and in naming Governor Ridge to be its head. Congress acted quickly to tighten aviation security and to give federal law enforcement new tools to counter terrorism.

These measures are just initial steps in what will surely be a major reorientation of the ship of state. As we begin to reorient our government, I believe we must engage in a thorough assessment of the range of threats that we face and the priorities which we should accord such threats in our national security strategy.

Terrorism is undoubtedly the major threat to the United States. In that regard, we must have a full understanding of the types of terrorist threats we face and of their relative probability. This week, the continuous reports of anthrax being discovered in various parts of the country, including here in the Senate, have focused the country on the threat of bioterrorism.

Unfortunately, this is not the only threat we face. Terrorists proved their deadly ability to turn airplanes into weapons of mass destruction. They have used truck and car bombs in the past. And we know that terrorist organizations are seeking materials necessary for the production of chemical or nuclear weapons. What we need to know is the priority we should accord those threats. That is the purpose of this proposed commission.

There are, to be sure, other threats that remain to our territory and to our national security interests. Russian weapons of mass destruction stockpiles and expertise pose the risk of accidental war or of proliferation to rogue states and terrorist groups. Ballistic missiles in developing countries can threaten U.S. forces overseas and could someday threaten our homeland. And international narcotics trafficking continues to threaten many countries, including ours. Terrorism is not the only threat. But after September 11 it is clearly the preeminent threat.

The proposed National Commission on Threats to the Homeland and United States National Security will not seek to reinvent the wheel. Rather, it would build on the work of several recent blue-ribbon commissions which have assessed various threats, both collectively and individually, to U.S. national security.

In seeking the creation of this new commission, neither Senator LUGAR nor I wish to discredit this earlier work and the ideas that flowed from it. Instead, we seek to use that work as a foundation in constructing a comprehensive threat assessment and a resulting U.S. national security strategy. It is therefore instructive to quickly review the major findings of some of these earlier commissions and hearings.

Perhaps the best-known is the U.S. Commission on National Security/21st

Century, better known as the Hart-Rudman Commission after its two co-chairs, former Senators Gary Hart and Warren Rudman. In its final report, issued in 2001, the Hart-Rudman Commission offered a chilling prediction borne out only months later: "States, terrorists, and other disaffected groups will acquire weapons of mass destruction and mass disruption, and some will use them. Americans will likely die on American soil, possibly in large numbers." The Hart-Rudman Commission urged making the security of the American homeland the primary national security mission of the U.S. government and called for the creation of a National Homeland Security Agency to coordinate these efforts.

Two commissions have focused on the specific threat of international terrorism and dealing with the consequences of a terrorist attack with a weapon of mass destruction, WMD.

The National Commission on Terrorism, chaired by Ambassador L. Paul Bremer, recommended a series of measures to expand the authorities of U.S. intelligence and law enforcement, steps now under consideration in the anti-terrorism legislation before Congress. It also urged the United States to use all the instruments at its disposal, diplomatic, financial, economic, and military, in targeting states that sponsor international terrorism.

The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, better known as the Gilmore Commission after its chair, Virginia Governor James Gilmore, focused on the need to develop a national strategy of domestic preparedness to respond to any act of WMD terrorism. This commission also called for the creation of a central office within the White House to coordinate federal efforts, which closely resembles what President Bush has decided to do in appointing Governor Ridge to a new "homeland czar" position.

The Russia Task Force of the Secretary of Energy's Advisory Board, better known as "the Baker-Cutler Task Force" after its co-chairs, former Senator Howard Baker and former White House Counsel Lloyd Cutler, looked at the particular threat posed by unsecured nuclear weapons and fissile material in the former Soviet Union. This task force declared the deteriorating situation as "the most urgent unmet national security threat facing the United States today" and called for spending approximately \$30 billion over the next 8 to 10 years to adequately secure these weapons and related materials.

Finally, with the emergence of several anthrax cases in several locations in the United States, the threat has become all too real. The Committee on Foreign Relations held a hearing on this subject the week before the September 11 attacks. Former Senator Sam Nunn, now heading the Nuclear Threat Initiative, Dr. D.A. Henderson,

the architect of the international campaign to eradicate smallpox in the 1970s, and other experts testified on the nature of the threat and what we can do in response. As they made clear, a mass destruction bioterrorism attack is a low-probability event with high consequences. The right answer is not panic, but rather the foresight to implement a set of commonsense measures to strengthen our public health system, including our emergency care capabilities and our vaccine stockpiles, to handle a bioterrorist attack if and when it occurs.

The Commission that we envision would, I repeat, build on the fine work done by the foregoing panels. It would assess the current threat, in light of the attacks on September 11, and in light of the assessments and analyses performed by government agencies and the panels I have just discussed. The commission would be a small group, just six distinguished Americans with experience at the highest levels of national security, law enforcement, and public safety. It is my hope that the commissioners chosen for this task would include former cabinet secretaries, and even former Presidents.

The bill we introduce requires two reports, an interim report to be produced within 180 days of enactment of the legislation and a final report to be produced by September 11, 2002, one year after the attacks on our country. The reports should provide a roadmap for our national security strategy, what the major threats are, the likelihood such threats will result in attacks on the United States, the potential damage to the United States or U.S. interests, and the current U.S. capabilities to counter and respond to such threats. From this assessment we can build a national security strategy for the coming decades.

I appreciate the support and assistance of the Senator from Indiana in developing this legislation. I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1735

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

SECTION 1. ESTABLISHMENT.

There is established the National Commission on Threats to the Homeland and United States National Security (in this Act referred to as the "Commission").

SEC. 2. COMPOSITION.

(a) IN GENERAL.—The Commission shall be composed of six members, as follows:

(1) Two members appointed by the President, not more than one of whom shall be appointed from the same political party.

(2) One member appointed by the Majority Leader of the Senate.

(3) One member appointed by the Minority Leader of the Senate.

(4) One member appointed by the Speaker of the House of Representatives.

(5) One member appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—Members of the Commission shall be appointed from among distinguished Americans in private life who have served at the most senior levels of the Federal government, including the national security, law enforcement, and public safety agencies of the United States.

(c) CHAIRMAN.—The Commission shall elect a Chairman from among its members.

(d) QUORUM.—A majority of the members shall constitute a quorum.

(e) VACANCIES.—Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(f) MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members.

(g) APPOINTMENTS DEADLINE.—It is the sense of Congress that members of the Commission should be appointed not later than 30 days after the date of enactment of this Act.

SEC. 3. PURPOSE.

(a) IN GENERAL.—The Commission shall evaluate, in light of the terrorist attacks against the United States on September 11, 2001, the threats to the United States and to United States national security, in order to assist the Federal Government set priorities in the national budget, and in the organization of the relevant government departments, to address those threats.

(b) PARTICULAR SUBJECTS FOR REVIEW.—In particular, the Commission shall—

(1) provide a comprehensive assessment of the range of threats to the United States and to United States national security, taking into account analyses by United States agencies and nongovernmental entities that have recently reviewed relevant issues, such as the United States Commission on National Security/21st Century, the National Commission on Terrorism, the Department of Energy Russia Task Force, and the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and

(2) make recommendations to the President and Congress on the priority that should be accorded to those threats in the United States national security strategy, taking into account—

(A) the likelihood such threats will result in attacks on the United States or important United States interests;

(B) the potential damage to the United States or important United States interests that would result from such attacks; and

(C) current United States capabilities to counter and respond to such threats.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly or from any Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 5. STAFF OF THE COMMISSION.

(a) **IN GENERAL.**—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole.

(b) **COMPENSATION.**—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(e) **ADMINISTRATIVE AND SUPPORT SERVICES.**—The Administrator of General Services shall furnish the Commission, on a nonreimbursable basis, any administrative and support services requested by the Commission consistent with this Act.

SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Commission.

(b) **TRAVEL EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 7. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate departments, agencies, and other entities of the United States Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 8. REPORTS.

(a) **INTERIM REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commission shall submit an interim report to the President and the Congress de-

scribing its activities since the date of enactment of this Act.

(b) **FINAL REPORT.**—Not later than September 11, 2002, the Commission shall submit a final report to the President and the Congress describing its activities since the date of enactment of this Act, together with a summary of the comprehensive assessment and recommendations made by the Commission under section 3(b).

SEC. 9. FUNDING.

Notwithstanding the provisions of the Act of September 18, 2001 (Public Law 107-38), amounts appropriated by that Act shall be available to carry out the provisions of this Act.

SEC. 10. TERMINATION OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission shall terminate 60 days after the date of the submission of the final report required by section 8(b).

(b) **WIND UP ACTIVITIES.**—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to congressional committees concerning its final report and disseminating that report.

AMENDMENTS SUBMITTED AND PROPOSED—NOVEMBER 15, 2001

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED—NOVEMBER 27, 2001

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

TEXT OF AMENDMENTS—NOVEMBER 15, 2001

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (1) of Sec. 6(c) and insert in lieu thereof the following:

“(1) **ADOPTING STATES TO TRANSMIT.**—Upon the 25th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.”.

TEXT OF AMENDMENTS—NOVEMBER 27, 2001

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry, as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 27, 2001, at 2:30 p.m., to conduct a markup on the nominations of Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System; Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; Mr. James Gilleran, of California, to be Director of the Office of Thrift Supervision; Mr. Allan I.

Mandelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board; Mr. Franz Leichter, of New York, to be a Director of the Federal Housing Finance Board; Mr. John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board; and Mr. Randall Scott Kroszner, of Illinois, to be a member of the Council of Economic Advisors.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "The National Immunization Program: Is it Prepared for the Public Health Challenges of the 21st Century?" during the session of the Senate on Tuesday, November 27, 2001, at 10 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 691, a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe; H.R. 223, a bill to amend the Clear Creek County, Colorado Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act; S. 1028, the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001; S. 1451, a bill to provide for the conveyance of certain public land in Clark County, Nevada for use as a shooting range; and S. 1240, the Timpanogos Interagency Land Exchange Act of 2001.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public law 107-12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: David E. Demag, of Vermont, and Thomas J. Scotto, of New York.

The Chair announces, on behalf of the Republican Leader, pursuant to Public Law 107-12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: Michael D. Branham, of Arizona, and Jimmy Houston, of Mississippi.

MEASURE INDEFINITELY
POSTPONED—S. RES. 39

Mr. REID. Madam President, I ask unanimous consent that the following calendar item be indefinitely postponed: Calendar No. 15, S. Res. 39.

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

MEASURE READ THE FIRST
TIME—S. 1732

Mr. REID. Madam President, it is my understanding that S. 1732, introduced earlier today by Senator DASCHLE, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

Mr. REID. Madam President, I now ask for its second reading and object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

EXTENSION FOR COMPLIANCE
WITH HEALTH INSURANCE PORTABILITY
AND ACCOUNTABILITY
ACT OF 1996

Mr. REID. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1684 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1684) to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1684) was read the third time and passed, as follows:

S. 1684

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

SECTION 1. 1-YEAR EXTENSION OF DATE FOR
COMPLIANCE BY CERTAIN COVERED
ENTITIES WITH ADMINISTRATIVE
SIMPLIFICATION STANDARDS FOR
ELECTRONIC TRANSACTIONS AND
CODE SETS.

(a) IN GENERAL.—Notwithstanding section 1175(b)(1)(A) of the Social Security Act (42

U.S.C. 1320d-4(b)(1)(A)) and section 162.900 of title 45 of the Code of Federal Regulations—

(1) a health care provider shall not be considered to be in noncompliance with the applicable requirements of subparts I through N of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003; and

(2) a health plan (other than a small health plan) or a health care clearinghouse shall not be considered to be in noncompliance with the applicable requirements of subparts I through R of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003.

(b) SPECIAL RULES.—

(1) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(A) as modifying the October 16, 2003, date for compliance of small health plans with subparts I through R of part 162 of title 45 of the Code of Federal Regulations; or

(B) as modifying—

(i) the April 14, 2003, date for compliance of a health care provider, a health plan (other than a small health plan), or a health care clearinghouse with subpart E of part 164 of title 45 of the Code of Federal Regulations; or

(ii) the April 14, 2004, date for compliance of a small health plan with subpart E of part 164 of title 45 of the Code of Federal Regulations.

(2) APPLICABILITY OF PRIVACY REQUIREMENTS TO CERTAIN TRANSACTIONS PRIOR TO STANDARDS COMPLIANCE DATE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the period that begins on April 14, 2003, and ends on October 16, 2003, a health care provider or, subject to subparagraph (C), a health care clearinghouse, that transmits any health information in electronic form in connection with a transaction described in subparagraph (B) shall comply with the then applicable requirements of subpart E of part 164 of title 45 of the Code of Federal Regulations without regard to section 164.106 of subpart A of such part or to whether the transmission meets any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(B) TRANSACTIONS DESCRIBED.—The transactions described in this subparagraph are the following:

(i) A health care claims or equivalent encounter information transaction.

(ii) A health care payment and remittance advice transaction.

(iii) A coordination of benefits transaction.

(iv) A health care claim status transaction.

(v) An enrollment and disenrollment in a health plan transaction.

(vi) An eligibility for a health plan transaction.

(vii) A health plan premium payments transaction.

(viii) A referral certification and authorization transaction.

(ix) A transaction with respect to a first report of injury.

(x) A transaction with respect to health claims attachments.

(C) APPLICATION TO HEALTH CARE CLEARINGHOUSES.—For purposes of this paragraph, during the period described in subparagraph (A), an entity that would otherwise meet the definition of health care clearinghouse that processes or facilitates the processing of information in connection with a transaction described in subparagraph (B) shall be deemed to be a health care clearinghouse notwithstanding that the entity does not process or facilitate the processing of such information into any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(c) DEFINITIONS.—In this section—

(1) the terms "health care provider", "health plan", and "health care clearing-house" have the meaning given those terms in section 1171 of the Social Security Act (42 U.S.C. 1320d) and section 160.103 of part 160 of title 45 of the Code of Federal Regulations;

(2) the terms "small health plan" and "transaction" have the meaning given those terms in section 160.103 of part 160 of title 45 of the Code of Federal Regulations; and

(3) the terms "health care claims or equivalent encounter information transaction", "health care payment and remittance advice transaction", "coordination of benefits transaction", "health care claim status transaction", "enrollment and disenrollment in a health plan transaction", "eligibility for a health plan transaction", "health plan premium payments transaction", and "referral certification and authorization transaction" have the meanings given those terms in sections 162.1101, 162.1601, 162.1801, 162.1401, 162.1501, 162.1201, 162.1701, and 162.1301 of part 162 of title 45 of the Code of Federal Regulations, respectively.

ORDERS FOR WEDNESDAY, NOVEMBER 28, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Wednesday, November 28; 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 resume consideration of the motion to proceed to H.R. 10; further, that the Senate stand in recess tomorrow from 12:30 to 2:15 p.m.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Wednesday, November 28, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 27, 2001:

NATIONAL CREDIT UNION ADMINISTRATION

JOANN JOHNSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2007, VICE YOLANDA TOWNSEND WHEAT, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIANE LENEGHAN TOMB, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JEAN NOLAN, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEAN O'KEEFE, OF NEW YORK, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE DANIEL S. GOLDIN, RESIGNED.

DEPARTMENT OF STATE

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

ENI F.H. FALEOMAVAEGA, OF AMERICAN SAMOA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

STEVEN JOSEPH CHABOT, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ROGER P. WINTER, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HUGH Q. PARMER, RESIGNED.

FREDERICK W. SCHIECK, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HARRIET C. BARBITT, RESIGNED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005, VICE REGINALD EARL JONES, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL HAMMOND, OF TEXAS, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE WILLIAM JAMES IVEY, RESIGNED.

DEPARTMENT OF JUSTICE

LAWRENCE A. GREENFELD, OF MARYLAND, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE JAN M. CHAIKEN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VERN J ABDOO, 0000
LAWRENCE D ABEL, 0000
PATRICIA A ABRHAM, 0000
ROBERT E ACKLEY, 0000
BENJAMIN F ADAMS III, 0000
PAMELA L ADAMS, 0000
EICKY G ADAMS, 0000
ROY S ADAMS, 0000
CHRISTOPHER P AIKEN, 0000
PHILIP H ALEXANDER, 0000
IVAN ALFONSOMORALES, 0000
DANIEL L ALLEN, 0000
DAVID P ALLEN, 0000
RALPH H ALLEN, 0000
CALLEN H ALRED, 0000
CLAIR V ANDERSON, 0000
DAVID A ANDERSON, 0000
JAMES K ANDERSON, 0000
JAMES R ANDERSON, 0000
NELL N ANDRE, 0000
JAMES D ANDREWS, 0000
DEBORAH J ANDWOOD, 0000
ROBERT G ANISKO, 0000
EDDY L ANTHONY, 0000
MICHAEL D ARMOUR, 0000
DENISE J ARN, 0000
CHRISTINE D ARRINGTON, 0000
JAMES W ATCHISON, 0000
MILTON R AYALA, 0000
SERGIO AYALALAMBOY, 0000
EDWIN R BABBITT III, 0000
MARK O BAKER, 0000
WILLIAM A BANKHEAD JR., 0000
HENRY J BARBER, 0000
KENNETH P BARDEN JR., 0000
RAYMOND J BARNARD, 0000
BENNIE W BARNHILL, 0000
OWEN M BARNHILL, 0000
SILVIO J BARUZZI, 0000
GARY C BASS, 0000
MICHAEL A BEAM, 0000
JAMES W BEATTY, 0000
WILLIAM D BEATTY, 0000
JOHN P BECKER, 0000
MARTIN D BECKMAN, 0000
BRUCE M BEBEE, 0000
PAUL J BEHRENS, 0000
WAYMAN C BENFORD, 0000
PHILLIP B BENOIT, 0000
CHARLES E BENSON, 0000
WILLIAM S BENYO JR., 0000
STANLEY C BERGAN, 0000
JON D BERLIN, 0000
LOUIS D BERMAN, 0000
THOMAS M BERNSTEIN, 0000
ROBERT J BETKER, 0000
VICTORIA A BETTERTON, 0000
JIMMIE D BIGGS, 0000
KATHERINE M BIGLER, 0000
REHETT S BILEK, 0000

BRANT L BISHOP, 0000
CHRISTOPHER D BISHOP, 0000
JAMES R BISHOP, 0000
DEMETRIUS K BIVINS, 0000
THOMAS S BLACK, 0000
WILLIAM C BLACK, 0000
JEFFREY H BLACKWOOD, 0000
MARY N BLISS, 0000
ROY C BLUMENSHINE, 0000
JAMES M BOERSEMA, 0000
JOALLYN BOHN, 0000
WILLIAM A BOIK, 0000
DONALD F BOND, 0000
MICHAEL J BONNER, 0000
JOHN P BOOS JR., 0000
DAVID E BORTNEM, 0000
CHARLES E BOURBEAU, 0000
ELIZABETH A BOURBEAU, 0000
THOMAS A BOWMAN, 0000
LYNNETTE Z BOYLE, 0000
CLAY S BRADFELD, 0000
JAMES C BRADLEY III, 0000
WILLIAM E BRADLEY, 0000
DANIEL P BRADT, 0000
ALLAN T BRAGG, 0000
LAURIE V BRASHER, 0000
ROBERT L BRAY, 0000
JAMES T BRENNER, 0000
TRAVIS R BREWSTER, 0000
CHARLES E BRIERE, 0000
DARRELL L BRIGHT, 0000
RALPH A BRILEY, 0000
BENNIE O BROOKS, 0000
JAMES T BROWN, 0000
STEPHANIE S BROWNE, 0000
CHARLES E BRUCE, 0000
MARK H BRYANT, 0000
WILLIAM BUCKLER, 0000
CARYL L BUFORD, 0000
HERMAN E BULLS, 0000
MICHAEL J BURBACH, 0000
LUIS R BURGOS, 0000
RONALD W BURKETT, 0000
JAMES A BURNS III, 0000
MILTON L BUSHMAN, 0000
STEVEN E BUTLER, 0000
DEBORAH J BUXTON, 0000
MICHAEL A BYRNE, 0000
STEVEN D CAGE, 0000
ROGER D CALAG, 0000
GARY S CALABRESE, 0000
MARK M CALAMBRO, 0000
BRUCE N CALDWELL, 0000
ALDO R CALVI, 0000
ROBERT M CANNON, 0000
EDMUND R CAPAS, 0000
REGIS A CARDIFF, 0000
ALFRED B CARLTON, 0000
DOUGLAS C CARPENTER, 0000
ROBERT F CARPENTER, 0000
THOMAS C CARROLL, 0000
NORMAN B CARVER, 0000
CLYDE R CASSELLBERRY, 0000
FELIX D CASTRO, 0000
GERRY A CHESSOR, 0000
WILLIAM T CHILDERS, 0000
BILLY M CHISUM, 0000
CHRIS S CHOPPER, 0000
FAY A CHU, 0000
QUENTIN P CIOLEFI, 0000
JUAN J CLAUDIO, 0000
PERRY R CLAWSON, 0000
DUNCAN S CLEMENTS, 0000
GARY L COBE, 0000
CARL M COCHRAN, 0000
ROBERT N COCHRAN, 0000
RICHARD COCHRANE, 0000
DEBRA L COHEN, 0000
WILLIAM S COLEMAN JR., 0000
PAUL E CONRAD, 0000
ENRIQUE CONTRERAS, 0000
JAMES T COOK, 0000
KEITH W CORBETT, 0000
JOHN E CORNELIUS, 0000
PATRICK E CORRIGAN, 0000
ROBERT D COSTELLO, 0000
RAYMOND COUGHENOUR, 0000
TERRY R COUNCIL, 0000
PAUL E CRANDALL, 0000
CAMERON A CRAWFORD, 0000
DAVID C CREIE, 0000
JOE CROOM, 0000
CLARENCE CULBERT JR., 0000
EDNA W CUMMINGS, 0000
DOUGLAS W CURTIS JR., 0000
JOEL D CUSKER, 0000
OLIVER P CUSTEAD, 0000
LAWRENCE O DAHL, 0000
DENNIS L DANIELSON, 0000
LINNIE D DARDEN III, 0000
BRET D DAUCHERTY, 0000
BARBARA A DAVISON, 0000
RICHARD B DAVIS JR., 0000
ROLAND R DEAN JR., 0000
JESSE DEETS, 0000
MICHAEL A DEMARCO, 0000
RONALD J DENOYA, 0000
DENNIE L DENSON, 0000
MICHAEL D DEVINE, 0000
KEITH D DICKSON, 0000
PAUL H DIETRICH, 0000
MICHAEL P DIETZ, 0000
RANDY J DILLON, 0000
JERRY P DINKELACKER, 0000
JAMES E DODSON, 0000
MICHAEL P DONNELLY, 0000

PHILIP J DONNELLY, 0000
 FREDDY A DOWDEN, 0000
 JON W DRYSDALE JR., 0000
 ALEXANDER E DUCKWORTH, 0000
 LAWRENCE E DUDNEY JR., 0000
 DANIEL L DUNCAN, 0000
 DAVID S DUNCAN III, 0000
 RICHARD K DUNCAN, 0000
 JOSEPH E DUNLEAVY, 0000
 DONALD R DUPUIS, 0000
 JAY C DUQUETTE, 0000
 PETER W DUSEL, 0000
 ALISTAIR G DYER, 0000
 STUART M DYER, 0000
 JOHN M DYKSTRA, 0000
 HARRY M EDWARDS, 0000
 GERALD F EHRlich, 0000
 MICHAEL J ELEFANTE, 0000
 DALE F ELLENBURG, 0000
 DAVID T ELLIOTT, 0000
 DENNIS D EMERY, 0000
 JONI L ENOS, 0000
 WILLIAM L ENYART JR., 0000
 WILLIAM L ERWIN, 0000
 CHARLES D ESTES, 0000
 TERRY A ETHRIDGE, 0000
 HENRY S EVANS, 0000
 KAREN D EVANS, 0000
 CHARLES J EVERHARDT III, 0000
 WILLIAM R EWALD, 0000
 JAMES P EWING, 0000
 BRUCE W FALCONE, 0000
 LAVON T FARNSWORTH, 0000
 THOMAS D FARRELL, 0000
 ROLLAND E FEARNOW, 0000
 ROBERT J FELDERMAN, 0000
 PETER J FERRARA, 0000
 MARIO M FEUSIER, 0000
 MICHAEL B FINNEGAN, 0000
 ANDREW G FISHERMAN, 0000
 BERNARD A FLYNN JR., 0000
 LEE T FORTIER, 0000
 WESLEY P FORYSTEK, 0000
 DEL C FOUGNER, 0000
 GERALD P FRASER, 0000
 WILLIAM D FRINK JR., 0000
 KURT A FROEB, 0000
 GERALD T GAIDA, 0000
 CHARLES A GAMBARO, 0000
 ROQUE GARCIA JR., 0000
 TERRELL N GARREN, 0000
 WILLIAM P GATES, 0000
 LEROY GAUB, 0000
 SALVATORE GIANREGGIO, 0000
 NICHOLAS N GIBBS, 0000
 THOMAS S GIOVANNINI, 0000
 STEWART E GOESCH, 0000
 LAWRENCE D GONZALES, 0000
 GEORGE M GOUZY III, 0000
 REGINALD A GRANT, 0000
 RUDOLPH GRANT, 0000
 RUSSELL D GRAVES, 0000
 DAVID E GRAY, 0000
 MORGAN M GRAY, 0000
 ROY C GRAY III, 0000
 MICHAEL R GREENWOOD, 0000
 STANLEY GREENWOOD JR., 0000
 THOMAS G GREGAR, 0000
 CARY C GRIFFITH, 0000
 GROVER K GRIFFITH, 0000
 JAMES J GROSS, 0000
 ROBERT B GROVE, 0000
 ROBERT K GRUBBS, 0000
 ARTHUR J HAGG, 0000
 RICHARD D HAGGERTY, 0000
 LARRY S HAMARA, 0000
 MICHAEL J HAMILTON, 0000
 JOHN W HAMMEL, 0000
 JAMES E HANDLEY, 0000
 JAMES F HANKINS, 0000
 HERBERT R HANKS SR, 0000
 JUDITH A HANLEY, 0000
 CHARLES T HARDEE, 0000
 RONALD N HARDING, 0000
 STEVEN G HARDING, 0000
 LEON L HARRELL III, 0000
 EARNEST L HARRINGTON JR., 0000
 DAVID L HARRIS, 0000
 JAMES M HARRIS, 0000
 LAWRENCE A HASKINS, 0000
 DAVID A HAWKINSON, 0000
 WAYNE M HAYES, 0000
 MICHAEL L HERMAN, 0000
 RONALD K HERKINGTON, 0000
 ROBERT D HERRIM, 0000
 TIMOTHY E HIGGINS, 0000
 DAVID M HILL, 0000
 JAMES R HILL III, 0000
 STEPHEN J HINES, 0000
 RANDY T HINTON, 0000
 ROBERT HIPWELL, 0000
 HENRY J HOGAN III, 0000
 WILLIAM R HOLLINGSWORTH, 0000
 SANFORD E HOLMAN, 0000
 BRENT L HOLMES, 0000
 WILLIAM C HOLMES, 0000
 STEPHEN G HOLT, 0000
 DAVID R HOLTGRIVE, 0000
 PAUL D HOPPE, 0000
 STANLEY T HOSKIN, 0000
 RICHARD O HOWE, 0000
 CHARLES E HUFFMAN, 0000
 MILES M HUFFSTUTLER, 0000
 JAMES L HUGAR, 0000
 GERALD S HUGHES, 0000
 MICHAEL D HUGHES, 0000
 ERNIE G HUSE, 0000

STEVEN R HUSTON, 0000
 ROBERT D IMPELLIZZERI, 0000
 HOWARD C IRVING, 0000
 JAMES P ISITT, 0000
 ROBERT L IZLAR, 0000
 JAMES N JACARUSO, 0000
 JONATHAN R JACKSON, 0000
 ROBERT E JACKSON, 0000
 JEFFREY F JACOBS, 0000
 BUD R JAMESON JR., 0000
 JEROME T JANKOWIAK, 0000
 LEONARD H JANSEN, 0000
 SAMUEL N JENKINS II, 0000
 DAVID L JENNETTE JR., 0000
 RANDY G JENSEN, 0000
 KELLY R JIMENEZ, 0000
 BRUCE P JOHNSON, 0000
 FREDERICK J JOHNSON, 0000
 MICHAEL J JOHNSON, 0000
 MICHAEL K JOHNSON, 0000
 NEIL L JOHNSON, 0000
 ROLAND V JOHNSON, 0000
 RONNIE D JOHNSON, 0000
 WILLIAM E JOHNSON, 0000
 WILLIAM P JOHNSON, 0000
 CAROLYN JONES, 0000
 GEOFFREY P JONES, 0000
 ROGER L JONES, 0000
 THAD J JONES, 0000
 JERRY D JORGENSEN, 0000
 MAXIE L JOYE, 0000
 DAVID P JURENKA, 0000
 MICHAEL E KACZMAREK, 0000
 RICHARD C KANISS, 0000
 BRADFORD M KARD, 0000
 WALTER G KEALEY JR., 0000
 CALVIN G KELLY III, 0000
 KENNETH E KELLY, 0000
 WENDY A KELLY, 0000
 NEAL W KEMP, 0000
 KELLY G KENNEDY, 0000
 CHARLES F KENNEDY, 0000
 DANIEL R KERN, 0000
 DAVID D KEY, 0000
 SHAWN P KEYES, 0000
 MICHAEL W KING, 0000
 DANIEL E KINSEY, 0000
 KATHLEEN A KLAESSER, 0000
 DENNIS M KLINE, 0000
 WILLIAM H KOCHER, 0000
 KRIS P KOHLHOFF, 0000
 HELGE KORSNES, 0000
 ROBERT K KOSTER, 0000
 DENNIS J KRAJAC, 0000
 DONALD L KREBS, 0000
 CATHERINE D KROPP, 0000
 KEITH E KUDLA, 0000
 WILLIAM E KUMPE, 0000
 KEITH C KURBER II, 0000
 RICHARD A KUTZLER, 0000
 MICHAEL K LAFUZE, 0000
 LINDER J LANCASTER JR., 0000
 TIBOR J LANCZY, 0000
 KIM G LANGLEY, 0000
 KEVIN J LARSON, 0000
 KURT R LAVIN, 0000
 JIMMY L LAWRENCE, 0000
 BENJAMIN T LAYTON JR., 0000
 DALE A LAZO, 0000
 EDWARD A LEACOCK, 0000
 DAVID E LECKONE, 0000
 MICHAEL W LEE, 0000
 LAWRENCE J LENTZ, 0000
 RICHARD LEPLATTENIER, 0000
 JAMES E LERUMS, 0000
 DANIEL T LESLIE, 0000
 WILLIAM D LETHGO, 0000
 DWIGHT A LEWIS, 0000
 HERMAN B LICHTSEY JR., 0000
 PETER M LIMOGES, 0000
 PAUL D LINKENHOKER, 0000
 WALTER E LIPPINCOTT, 0000
 DAVID J LISENO, 0000
 DAVID A LIVELY, 0000
 ROBERT E LIVINGSTON JR., 0000
 JAMES E LOCKEMY, 0000
 FRANZ R LOCKHART, 0000
 RICHARD M H LOESCH, 0000
 WILLIAM L LOFTIS, 0000
 GARY W LONG, 0000
 SHAWN P LOVETT, 0000
 JAMES H LUCKETT, 0000
 CHARLES D LUCKEY, 0000
 DWIGHT D LUSK, 0000
 STEVEN K LUTTER, 0000
 JAMES R LYMAN, 0000
 JONATHAN C MAGEE, 0000
 JOHN P MAIETTA, 0000
 JOAN P MALLOY, 0000
 FREDERIC F MANCET, 0000
 ROBERT L MANING, 0000
 GREGG A MARCHESSAULT, 0000
 MARC E MARSALEK, 0000
 JACK MARTIN JR., 0000
 ROBERT R MARTIN, 0000
 PABLO MARTINEZ, 0000
 VICTOR MARTINEZBRANA, 0000
 JAMES D MARZE, 0000
 GEORGE J MATHAR, 0000
 FLEMING W MATHEWS III, 0000
 WILLIAM R MAY, 0000
 RICHARD H MAYNARD, 0000
 MICHAEL D MAZUR, 0000
 JOSEPH M MAZUREK, 0000
 MELVIN MCBRIDE, 0000
 MICHAEL P MCCAFFREE, 0000

JAMES C MCCASTLAIN, 0000
 ELBERT A MCCOLLUM, 0000
 HARRY J MCDONOUGH III, 0000
 MICHAEL D MCGANDY, 0000
 ALVIN J MCGREW, 0000
 RODNEY D MCKITTRICK, 0000
 DOUGLAS E MCLEOD, 0000
 LESA M MCMANIGELL, 0000
 KENNETH B MCNEEL, 0000
 DAVID A MCPHERSON, 0000
 TERESA L MCSWAIN, 0000
 GARY R MEDEN, 0000
 ANGEL A MERCADO, 0000
 JOSEPH W MERCURI, 0000
 RODRIGUEZ L MILLAN, 0000
 HARRY E MILLER JR., 0000
 ROBERT A MILNER, 0000
 JOHN P MITCHAM, 0000
 DAVID B MITCHELL, 0000
 DAVID L MITCHELL, 0000
 TERRY J MITCHELL, 0000
 LESLIE L MOFFETT, 0000
 JEFFREY W MONTGOMERY, 0000
 JOHN M MORHILATKO, 0000
 RONALD O MORROW, 0000
 JOSEPH MOSCARIELLO, 0000
 MICHAEL K MOYER, 0000
 DON A MURPHY, 0000
 MICHAEL J MURPHY, 0000
 KATHLEEN E MURRAY, 0000
 KENNETH E MUSSER, 0000
 JOHN E NELSON II, 0000
 BRETT E NILA, 0000
 ERNEST MARION NIX, 0000
 HAROLD W NOBLE, 0000
 MARY R NORRIS, 0000
 JAMES M NOVAK, 0000
 THET S NYUNT, 0000
 TIMOTHY J OBRIEN, 0000
 DANIEL S ODELL, 0000
 RAFAEL OFERRALL, 0000
 BLANE O OGATA, 0000
 SCOT T OLSON, 0000
 MARK P ORT, 0000
 MANUEL ORTIZ JR., 0000
 WILLIAM M OSELES, 0000
 GARY G OTTENBREIT, 0000
 CLYDE L OVERTON JR., 0000
 DALLAS W OVERTON, 0000
 DALLAS D OWENS JR., 0000
 DAVID S PATTERSON, 0000
 RICHARD G PATTERSON, 0000
 GARY D PAYNE, 0000
 WILLIAM B PEARRE, 0000
 ERIC C PECK, 0000
 RENELDA PELDUNASHARTER, 0000
 HOWARD A PELL, 0000
 JAY W PETERSON, 0000
 ROBERT J PETRICH, 0000
 TIMOTHY B PFRANG, 0000
 GREGORY K PIOTROWSKI, 0000
 ROBERT L PITTS, 0000
 TIMOTHY D POLLES, 0000
 WILLIAM Y PORTER, 0000
 ANDREW L POSEY, 0000
 WILLIE C PRATT, 0000
 ROBERT M PREVETTE, 0000
 JAMES R PULLEN, 0000
 BARNEY PULTZ, 0000
 WESLEY R QUERNS, 0000
 MANUEL L QUITTERIO III, 0000
 JAMES B RANEY, 0000
 MARK A RASSAS, 0000
 JESSE T RAWLS JR., 0000
 HOSEA M RAY, 0000
 CARROLL A REED, 0000
 ADAM J REICH IV, 0000
 WILLIAM S REIN, 0000
 PRICE L REINERT, 0000
 STEVEN L REYNOLDS, 0000
 DAVIS M REYNOLDS, 0000
 DREW S RICHARDS, 0000
 EDWIN I RIVERA, 0000
 LLOYD W ROBERTS, 0000
 BETH A ROBISON, 0000
 CARLOS RODRIGUEZLOPEZ, 0000
 GUY A ROGERS II, 0000
 JOHN B RONEY, 0000
 JAMES V ROOT, 0000
 JESUSA S ROPER, 0000
 PHILIP L ROSE, 0000
 KEVIN B RUE, 0000
 PAUL S RUSINKO, 0000
 JAMES G RUSSELL, 0000
 MICHAEL P RYAN, 0000
 RALPH M C SABATINO, 0000
 ROBERT J SAMPL, 0000
 JAMES W SAMPLE, 0000
 HECTOR L SANCHEZ, 0000
 MAYNARD J SANDERS, 0000
 NAN C SANDERS, 0000
 ROBERT M SANDERS, 0000
 SCOTT D SANDERS, 0000
 DOUGLAS W SANFORD, 0000
 STEVEN D SAUNDERS, 0000
 CELLA M SCARBROUGH, 0000
 ROGER M SCHMITT, 0000
 CHRISTOPHER M SCHNAUBELT, 0000
 DOUGLAS G SCHNELLE, 0000
 JAMES A J SCHOETTLE, 0000
 ALLEN W SCHULTZ, 0000
 WILLIAM L SEEKINS, 0000
 EDWARD D SETHNESS JR., 0000
 STEPHEN E SEWELL, 0000
 ALEXANDRA P SHATTUCK, 0000

JOHN M SHAUGHNESSY III, 0000
GARRETH E SHAW, 0000
DAVID H SHELLEY, 0000
DENNIS K SHEPPARD, 0000
JOANNE F SHERIDAN, 0000
CLIFFORD M SILSBY, 0000
MICHAEL J SILVA, 0000
GENE S SILVERBLATT, 0000
WILLIAM J SIMMONS, 0000
ROBERT H SIMPSON, 0000
ROBERT D SINACOLA, 0000
PATRICK T SKELLY, 0000
THOMAS J SMEDLEY, 0000
CARLON L SMITH, 0000
ERIC A SMITH, 0000
JOHN F SMITH, 0000
JOHN W SMITH II, 0000
MICHAEL M SMITH, 0000
RANDALL E SMITH, 0000
ROBERT L SMITH, 0000
RUFUS J SMITH, 0000
WILLIE J SMITH JR., 0000
DONALD R SMOLINSKI, 0000
JAMES M SNOWDEN, 0000
MICHAEL G SODEN, 0000
ROGER L SODEN, 0000
MANUEL G SOTOMAYOR, 0000
CHARLES L SPARKS, 0000
STEVEN E SPATOLA, 0000
GARY S SPRINGER, 0000
CORTEZ T STANDARD, 0000
LANCE J STANGE, 0000
JAMES W STARKS JR., 0000
SHELBY L STARLING, 0000
CHARLES N STEED, 0000
NORMAN E STEEN, 0000
ROBERT C STEIGER, 0000
RALPH E STEINER, 0000
EUGENE A STOCKTON, 0000
DONALD A STOFFA, 0000
STEPHEN J STOMBER, 0000
GARY W STRATTON, 0000
RICKY W STREIGHT, 0000
RICHARD C STROUD JR., 0000
DONALD R SUTHERLAND, 0000
WILLIAM N SWANDAL, 0000
JOHN C SWARTS, 0000
MICHAEL K SWEENEY, 0000
MICHAEL C SWEZEY, 0000
JOHN V SYLVESTER IV, 0000
CHERIE D TAKAMI, 0000
GEORGE R TANKERSLEY, 0000
CRAIG D TATE, 0000
MEGAN P TATU, 0000
RICHARD M THEVEL, 0000
CLARENCE E THOMAS, 0000
DAVID W THOMPSON, 0000
JOHN A THOMPSON, 0000
KRIS P THOMPSON, 0000
FLETCHER B THORNTON, 0000
KEITH L THUROOD, 0000
JOHN N TOBIN, 0000
ALBERT J TOCZYDLOWSKI, 0000
EDWARD M TOLER, 0000
FREDERICK W TONSING, 0000
NICKOLAS P TOOLIATOS, 0000
JOHN N TORRENCE JR, 0000
PAUL E TRESSA JR., 0000
MICHAEL J TUOHY, 0000
CHARLES R TURNER JR., 0000
PAUL W TYLER, 0000
FRED E UMPHREY, 0000
JOSE USON JR., 0000
STEVEN VALENTE, 0000
JAMES E VANDERGIFT JR., 0000
KINGSLEY R VANDUZER, 0000
JAMES B VAUGHT JR., 0000
ALCIDES VELEZ JR., 0000
GARRY L VEST, 0000
JOSEPH M WADE, 0000
GEORGE M WALDRUP, 0000
RICHARD J WALKER, 0000
GERALD L WARREN, 0000
PAUL V WATERBURY, 0000
FELTON WATKINS III, 0000
MICHAEL K WEBB, 0000
WILLIAM D WEBB, 0000
STEVEN G WEEMS, 0000
JAMES M WELLS, 0000
JAY D WELLS, 0000
MICHAEL E WELLS, 0000
ROBERT WERNER JR., 0000
THOMAS J WERNER, 0000
CHESTER J WERNICKI, 0000
JAMES E WEST, 0000
LARRY A WEXLER, 0000
DAVID J WHEELER, 0000
CURTIS C WHITE, 0000
WILLIAM T WHOBBRY, 0000
JACK I WIER, 0000
DAVID A WIKER, 0000
BRUCE A WILHELM, 0000
JAMES W WILHITE, 0000
LYLE A WILKES, 0000
BLAKE E WILLIAMS, 0000
DWIGHT E WILLIAMS, 0000
GUY T WILLIAMS, 0000
JOSEPH M WILLIAMS, 0000
ROBERT J WILLIAMS, 0000
SAMUEL T WILLIAMS, 0000
DARREL A WILLIAMSON, 0000
HENRY W WILSON, 0000
GREG M WILZ, 0000
CHRISTOPHER L WINSTON, 0000
DONNA J WOELFEL, 0000
PAUL T WOERNER, 0000
STEPHEN A WOMACK, 0000

BARRY M WOOFTER, 0000
EDWARD D WOYCICK, 0000
BENJAMIN WRIGHT JR., 0000
WILLIAM E WRINKLE, 0000
BLAINE M WYCKOFF, 0000
DAVID C WYNN, 0000
KERRY K C YEN, 0000
JAMES W YOUKER, 0000
JAMES G YOUNG, 0000
PETER A YOUNGBLOOD, 0000
THOMAS K ZABASKY, 0000
DOUGLAS K ZIMMERMAN II, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN B. STOCKEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILIP F. STANLEY, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PATRICK C. HUGHES, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WALLACE R. BAIN, OF OREGON
BEVAN BENJAMIN, OF MISSOURI
JENNIFER LARA CHRISTENSON, OF PENNSYLVANIA
OWEN ANTHONY CLARKE, OF OHIO
JEREMY A. CORNFORTH, OF WASHINGTON
SARA M. CRAIG, OF COLORADO
MICHAEL PHILIP EVANS, OF WEST VIRGINIA
PATRICK MATTHEW GILLEN, OF VIRGINIA
MAURICE F. GLORIOSO, OF ALABAMA
DAVID C. GRIER, OF FLORIDA
JOHN HALL GRIFFITH III, OF CALIFORNIA
SARAH COOPER HALL, OF NEW YORK
KRISTEN J. HESLINK, OF NEW YORK
MATTHEW C. HURLEY, OF NEW JERSEY
CHRISTOPHER PATRICK JESTER, OF PENNSYLVANIA
CHRISTOPHER KLEIN, OF NEW YORK
BRUCE ROBERT KRAFT, OF CALIFORNIA
PETER I. KUJAWINSKI, OF ILLINOIS
JOHN F. LARRIGA, OF CALIFORNIA
YARL LEMPERT, OF NEW YORK
ERIN CATHLEEN MCCONAHA, OF NEW YORK
ALEXANDRA KOTHMANN MCKNIGHT, OF TEXAS
MARIO MCGWINN MESQUITA, OF CALIFORNIA
BURKE O'CONNOR, OF CALIFORNIA
TABITHA RUSSELL OMAN, OF THE DISTRICT OF COLUMBIA
THOMAS ANDREW PALAIA, OF CONNECTICUT
ALBERT ROBISON PYOTT, OF ILLINOIS
KARL LUIS RIOS, OF VIRGINIA
KEARN C. SCHEMM JR., OF VIRGINIA
DREW F. SCHUFLETOWSKI, OF TEXAS
DEBORAH LYNN SISABRO, OF COLORADO
ROBERT L. SKINNER, OF ILLINOIS
LAURA MERRITT STONE, OF THE DISTRICT OF COLUMBIA
MARJA DANIELLE VERLOOP, OF WASHINGTON
ROBERT PATRICK WALLER, OF IDAHO
JACQUELINE LEANN WARD, OF RHODE ISLAND
SARAH EMILY WELBORNE, OF MARYLAND
MEREDITH A. WOLNICK, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANNEMARIE E. ALANO, OF VIRGINIA
NATHAN C. ALANO, OF VIRGINIA
SUSAN E. ANDREWS, OF VIRGINIA
BRIAN R. BAUMAN, OF WASHINGTON
AVERTANO S. BRAGANCA, OF NEW JERSEY
SUSAN ELIZABETH BRIDENSTINE, OF IOWA
KAREN M. BURNS, OF VIRGINIA
JOHN J. CALLANAN, OF VIRGINIA
PHILIP S. CARGILE, OF VIRGINIA
ISABELLA G. CASCARANO, OF THE DISTRICT OF COLUMBIA
BENJAMIN A. CLARK, OF VIRGINIA
AARON M. COPE, OF WASHINGTON
SCOTT T. CRAMER, OF VIRGINIA
JOSEPHINE E. DANKO, OF VIRGINIA
ROBERT J. DONOVAN JR., OF THE DISTRICT OF COLUMBIA
CHRISTOPHER D. DOUGLASS, OF VIRGINIA

JONATHAN W. DUBLIN, OF WASHINGTON
MICHAEL A. EDSON, OF VIRGINIA
CECELIA K. EL-KHATIB, OF VIRGINIA
JONATHAN FLOSS, OF NEW YORK
KYLE DUSTIN FOGGO, OF VIRGINIA
RODNEY DELANEY FORD, OF TENNESSEE
LISA C. FREESE, OF VIRGINIA
JAMES E. FREITAS, OF VIRGINIA
HOLLY M. FRIDHOLM, OF FLORIDA
PATRICIA GASKILL-SALVADOR, OF CALIFORNIA
JEFFREY G. GIAUQUE, OF UTAH
BRIAN MITCHELL GIBEL, OF NEW YORK
LAURA J. GRITZ, OF WASHINGTON
AMANDA J. HARDER, OF FLORIDA
LARA HARRIS, OF ARIZONA
STEPHEN K. HARRISON, OF NORTH CAROLINA
SARAH OLIVIA HAUPTMAN, OF NEW YORK
CLAYTON PORTER HAYS, OF TEXAS
BIRGITTA S. HOGGREN, OF ILLINOIS
ERIC K.P. HSU, OF OREGON
STEPHEN R. JACQUES, OF VIRGINIA
ROBERT DOUGLAS JANKE, OF TEXAS
BRANDON LEE JONES, OF VIRGINIA
KRISTIN M. KANE, OF CALIFORNIA
AUGUSTUS F. KANGAS, OF THE DISTRICT OF COLUMBIA
FRANK R. KATTERMAN, OF THE DISTRICT OF COLUMBIA
ROBERT T. KOEPCKE, OF PENNSYLVANIA
PREM KUMAR, OF NEW YORK
CLARK DARROW LEDGER, OF NEVADA
DIANE M. LEWIS, OF FLORIDA
ELLA A. LUTTRELL, OF MARYLAND
OMAR A. MAHMOOD, OF THE DISTRICT OF COLUMBIA
DANA T. MALEC, OF THE DISTRICT OF COLUMBIA
BARBARA JO MASILKO, OF NEBRASKA
ERIC M. MENTZ, OF VIRGINIA
JASON W. MILLER, OF NORTH DAKOTA
DARSI R. MYERS-LANZER, OF VIRGINIA
GREGORY J. O'CONNOR, OF VIRGINIA
LEYLA L. ONES, OF FLORIDA
THOMAS JONATHAN PACK, OF THE DISTRICT OF COLUMBIA
MATTHEW S. PARK, OF VIRGINIA
JEFFREY CARL PATMORE, OF CALIFORNIA
THOMAS E. REOTT, OF OHIO
PHILIP JOCELYN RICHARDS, OF NEW YORK
ROBERT A. ROTHACKER, OF FLORIDA
EDWARD M. RUSSO, OF VIRGINIA
NATHALIE C. RUSSO, OF VIRGINIA
MATTHEW SANDELANDS, OF CALIFORNIA
FATUMA YASSIN SANNHE, OF MICHIGAN
NICOLE C. SCHMIDT, OF THE DISTRICT OF COLUMBIA
RACHEL SCHNELLER, OF MONTANA
ELIZABETH NOLAN SCHWEFLER, OF THE DISTRICT OF COLUMBIA
LORINDA C. SHAW, OF THE DISTRICT OF COLUMBIA
KAREN M. SMITH, OF UTAH
GREGORY S. STEIN, OF VIRGINIA
WILLIAM WINTHER SULLIVAN, OF TEXAS
TIMOTHY D. SWANSON, OF NEBRASKA
PAULETTE SYKES, OF THE DISTRICT OF COLUMBIA
CRAIG L. TADKLEN, OF MARYLAND
WILLIAM R. TALLAFERRO, OF OREGON
SCOTT COOPER TURNER, OF WASHINGTON
MARGARET TWEEDY, OF VIRGINIA
SCOTT EUGENE URBOM, OF UTAH
GWENDOLYN SIEPERT WEBB, OF TEXAS
SHARON ANN WEBER-RIVERA, OF NEW YORK
JOANNA ROSE WEINZ, OF WASHINGTON
GREG WIEGAND, OF CALIFORNIA
AUGUSTUS V. WILBERDING, OF VIRGINIA
PARKER S. WISE III, OF VIRGINIA
ROBERT BOOTH YOUNG, OF CALIFORNIA
MASON YU, OF WASHINGTON

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KATHLEEN T. ALBERT, OF FLORIDA
B. BIX ALIU, OF ILLINOIS
ROBERT SCOTT ALLISON, OF THE DISTRICT OF COLUMBIA

G. LINDA AMINTINAT, OF CONNECTICUT
GINA M. ANDREWS, OF THE DISTRICT OF COLUMBIA
LAURA A. AROMAKI, OF VIRGINIA
EUGENE BAE, OF KANSAS
PAUL R. BALDWIN, OF WASHINGTON
LAURA S. BALLMAN, OF THE DISTRICT OF COLUMBIA
MICHAEL J. BAVISOTTO, OF VIRGINIA
CHASE A. BEAMER, OF THE DISTRICT OF COLUMBIA
KAREN REDDINGER BEL, OF LOUISIANA
STACEY E. BLAU, OF THE DISTRICT OF COLUMBIA
JANE ELLEN BOCKLAGE, OF VIRGINIA
CLAYTON ALAN BOND, OF MICHIGAN
STEPHANIE LYNN BOWERS, OF OHIO
RICHARD JAMES BRACKEN, OF THE DISTRICT OF COLUMBIA

BENJAMIN A. BROWN II, OF VIRGINIA
CYNTHIA A. BROWN, OF CALIFORNIA
STEPHANIE A. BUNCE, OF VIRGINIA
SAMANTHA A. CARL, OF NEW YORK
R. YMOND ALEXANDER CASTILLO, OF THE DISTRICT OF COLUMBIA

CHRISTINA JEANNE CAYALLO, OF VIRGINIA
LOREN E. CHOVAN, OF CALIFORNIA
TIMOTHY L. CIPULLO, OF COLORADO
MICHAEL D. COLE, OF COLORADO
JIMMIE L. COLLINS, OF COLORADO
KAREN NOEL COVERT, OF ILLINOIS
LAURA GABRIELLE COWAN, OF THE DISTRICT OF COLUMBIA
MARK STEPHEN CROSS, OF TEXAS
NANCY S. CUNNINGHAM, OF GEORGIA
CHRISTINE MARIE VITTORIA DAL BELLO, OF CALIFORNIA
CAROLYN YVETTE DAVIDSON, OF MARYLAND
JESSIE DEBUSSCHERE, OF CALIFORNIA
CARON DE MARS, OF TEXAS

DANA DAVID DEREE, OF ARKANSAS
 DANIEL C. DEYO, OF VIRGINIA
 JOSEPH E. DIETZ, OF VIRGINIA
 MARGARET BRUMFIELD DIOP, OF CALIFORNIA
 GREGORY P. DRAZEK, OF MARYLAND
 BLANCHE REGINA DUDLEY, OF VIRGINIA
 MICHAEL L. DUNKLEY SR., OF VIRGINIA
 KATHLEEN M. EAGEN, OF THE DISTRICT OF COLUMBIA
 SHAU LING ECKERT, OF VIRGINIA
 DANIEL J. ERNST, OF PENNSYLVANIA
 SCOTT R. FAGAN, OF THE DISTRICT OF COLUMBIA
 THEODORE R. FAHS, OF VIRGINIA
 SHARON E. FEISER, OF VIRGINIA
 JOHN W. FLESHMAN JR., OF THE DISTRICT OF COLUMBIA
 MICHAEL S. FLORES JR., OF CALIFORNIA
 WILLIAM JOHN FLYNN III, OF VIRGINIA
 CHARLES FORD, OF VIRGINIA
 KAREN W. FORD, OF THE DISTRICT OF COLUMBIA
 JOHN T. FRANCIS, OF VIRGINIA
 SCOTT A. GAEDE, OF VIRGINIA
 DANIELLE N. GARBE, OF WASHINGTON
 KEITH R. GILGES, OF FLORIDA
 GUSTAV GOGGER JR., OF VIRGINIA
 ALEX DAVID GREENSTEIN, OF WEST VIRGINIA
 MEGHAN GREGONIS, OF PENNSYLVANIA
 SARAH L. GROEN, OF NEW HAMPSHIRE
 DAVID M. GROVE, OF VIRGINIA
 HUGO A. GUEVARA, OF FLORIDA
 BRUCE BRADFORD GUTHRIE, OF VIRGINIA
 RYAN D. HALEY, OF NEW HAMPSHIRE
 TIM O'NILEE HALL III, OF SOUTH CAROLINA
 MICHAEL P. HANKEY, OF THE DISTRICT OF COLUMBIA
 PAUL QUENTIN HARRISON, OF ILLINOIS
 MARNIE HAUSAUER, OF VIRGINIA
 SARAH ELIZABETH HAYES, OF ILLINOIS
 CATHERINE A. HENDRICKSEN, OF VIRGINIA
 WALTER A. HENDRICKSEN, OF VIRGINIA
 JOSE H. HERNANDEZ, OF VIRGINIA
 MALIA VENIE HEROUX, OF MARYLAND
 DOUGLAS I. HEWITT, OF VIRGINIA
 MICHAEL D. HONIGSTEIN, OF FLORIDA
 JOSHUA HUCK, OF NEW YORK
 TIMOTHY JOHN HUIZAR, OF THE DISTRICT OF COLUMBIA
 PATRICIA A. HULINGS, OF VIRGINIA
 CHRISTOPHER S. HUTTLESTON, OF THE DISTRICT OF COLUMBIA
 MICHAEL A. JIMENEZ, OF VIRGINIA
 MOISES E. JULIAO, OF VIRGINIA
 RANDALL HOKU-AO KAAILAU, OF HAWAII
 JOAN E. KANE, OF CALIFORNIA

PAULINE A. KAO, OF WASHINGTON
 MICHAEL KELLEHER, OF NEW YORK
 ARTHUR B. KELLER, OF VIRGINIA
 JOHN CHRISTOPHER KELLEY, OF THE DISTRICT OF COLUMBIA
 ALAN EDWARD KENT, OF VIRGINIA
 D. JOHN T. KNILEY, OF VIRGINIA
 CATHERINE N. LAKE, OF MARYLAND
 JAMES R. LAKE, OF MARYLAND
 ALLISON J. LEE, OF OHIO
 JASON D. LEWIS, OF VIRGINIA
 R. MICHAEL LOVELADY, OF TEXAS
 KENNETH D. LUM, OF VIRGINIA
 ROSEMARY R. MACRAY, OF FLORIDA
 PETER J. MARIGLIANO, OF VIRGINIA
 JON LATON MARTINSON, OF VIRGINIA
 LESLIE LEON MCBRIDE, OF VIRGINIA
 MONICA E. MCGARRAGHY, OF VIRGINIA
 ANDREW JAMES MCLEAN, OF OHIO
 JOSEPH B. NELSON MELLOTT, OF THE DISTRICT OF COLUMBIA
 BIANCA E. MENENDEZ, OF VIRGINIA
 FRANK L. MILHOUS, OF VIRGINIA
 CRAIG F. MILLER, OF THE DISTRICT OF COLUMBIA
 RENO MOGAMI, OF VIRGINIA
 GREGORY M. MOHRMAN, OF MARYLAND
 DONALD DEVON MOORE, OF VIRGINIA
 VERONICA MUNIZ, OF TEXAS
 SHANNON K. NAGY, OF IDAHO
 NANCY J. NOREM, OF VIRGINIA
 JOHN D. NYLIN, OF CALIFORNIA
 DANIEL B. O'CONNOR, OF MARYLAND
 BISOLA OJIKUTU, OF WASHINGTON
 ERIKA ANN OLSON, OF WASHINGTON
 RICHARD J. O'SHEA, OF NEW YORK
 ANDREW HAK OU, OF HAWAII
 SUSAN M. PALMS, OF VIRGINIA
 TIFFANY L. PARKER, OF VIRGINIA
 LEAH MICHELLE PEASE, OF CALIFORNIA
 JILL C. PETERS, OF VIRGINIA
 CALVIN PETERSON, OF OHIO
 JEFFREY J. PFISTER, OF MARYLAND
 MALCOLM D. PICKETT, OF VIRGINIA
 WILLIAM J. PIDGEON, OF FLORIDA
 SUSAN K. RADDANT, OF WISCONSIN
 KATHARINE MONIQUE READ, OF CALIFORNIA
 JEANETTE M. REBERT, OF PENNSYLVANIA
 MARK E. RINCON, OF TEXAS
 BRUCE U. ROETT, OF VIRGINIA
 ALEXANDER G. ROMERO, OF VIRGINIA

THOMAS M. ROSENBERGER, OF TENNESSEE
 CHAD W. RUEFLI, OF TEXAS
 ERIN E. RUPPRECHT, OF VIRGINIA
 ANN MOFFETT RYAN, OF NEW JERSEY
 HEIDI ANN SCHMIDT, OF VIRGINIA
 DAVID M. SCHNIER, OF THE DISTRICT OF COLUMBIA
 KERRY A. O. SCHNIER, OF THE DISTRICT OF COLUMBIA
 R. SCOTT SPELLMEYER, OF VIRGINIA
 MARK A. STAMILIO, OF VIRGINIA
 MOLLY L. STEPHENSON, OF VIRGINIA
 ZEENAT MUNSHI SYED, OF TEXAS
 ZIA SYED, OF TEXAS
 CANDACE R. TAFT, OF VIRGINIA
 RIA M. THOMAS, OF VIRGINIA
 ROBERT WARREN THOMAS, OF VIRGINIA
 DANIEL A. TRAVIS, OF CALIFORNIA
 WILLIAM F. VAN PILSUM, OF VIRGINIA
 SHAWN L. WADDOUPS, OF UTAH
 THOMAS J. WALLIS, OF MARYLAND
 NICOLE E. WEBER, OF NEW JERSEY
 PATRICK J. WENINGER, OF VIRGINIA
 STEVEN T. WESTON, OF VIRGINIA
 AMY MARIE WILHEM, OF THE DISTRICT OF COLUMBIA
 JAMES B. WILLIAMS, OF LOUISIANA
 THOMAS W. WOLF, OF NEW YORK
 W. DAVID WOMBLE, OF NORTH CAROLINA
 SUNGHWAN YI, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate November 27, 2001:

TENNESSEE VALLEY AUTHORITY

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2011.

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.