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## Senate

The Senate met at 9:15 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

### PRAYER

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

Almighty God, we behold Your majesty and we praise You. You are the Creator, Sustainer, and Lord of all; You are omnipotent, omniscient, and omnipresent. Especially today, we are filled with awe and wonder over Your prevenience, Your beforehand presence and provision. You are always ahead of us; You have answers to our questions before we ask; You have solutions to our problems waiting for us to grasp. There is nowhere we can go where You have not preceded us and no person You have not prepared for us to communicate affirmation, encouragement, and hope.

Therefore, we press on with the work of the day, alert to feel Your hand upon our shoulder, Your Spirit flowing into our minds, and Your guidance to help us know and do Your will. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, led the Pledge of Allegiance as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 5, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, this morning the Chair will announce we will be in a period for morning business for the next hour, with the first half under the control of the Republican leader or his designee, and I see the Senator from Ohio is ready to go. The second half of the time is under the control of the Democratic leader or his designee. It is my understanding Senator KENNEDY will be present at that time.

At approximately 10:15, the Senate will again resume consideration of the Supplemental Appropriations Act. Cloture was filed on the supplemental. Therefore, all first-degree amendments must be filed prior to 1 p.m. today.

### MEASURE PLACED ON THE CALENDAR—S. 2578

Mr. REID. Madam President, I understand that S. 2578 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that S. 2578 be read a second time, and then I would object to any further proceeding.

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

The legislative clerk read as follows:

A bill (S. 2578) to amend title 31 of the United States Code to increase the public debt limit.

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Ohio.

### TRIBUTE TO LORNA PALAGYI

Mr. DEWINE. Madam President, this is the time of year when our children across the country are getting out of school. It is also the time of year when many of our great teachers are leaving the classroom for the last time and retiring. I rise today to honor a very special educator from my home State of Ohio, Lorna Palagyi. Lorna is retiring this month after 25 years of dedication to Ohio students.

When I think about her commitment to education, I am reminded of something Oliver Wendell Holmes once said:

The main part of intellectual education is not the acquisition of facts but rather learning how to make facts live.

For a quarter of a century now, Lorna Palagyi has been doing just that—making facts come alive for the

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



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elementary school children in Madison, OH. She is a graduate of Kent State University. She has taught grades 3 through 7 and tutored students after-school, served as a mentor for teachers just starting, and helped secure funds for several school projects; one in particular that allowed her students to make a large colored map of the United States on their playground.

Not only has she been very dedicated to her children at school, but she has also been a terrific mother to her children at home. The mother of three children—one of whom happens to be my legislative director, Paul Palagyi—Lorna once said the main reason she taught was to help her kids through college. But I also suspect the reason she taught was because she loved to teach and she loved the students.

She is certainly dedicated to her family and maintains that she simply could not have done it, could not have taught as long as she has, without the love and support of her husband, Jim. We should all be truly proud of Lorna for her commitment, her dedication to quality education. As my own high school principal, Mr. John Malone, said many years ago when I was in high school: There really are only two things that matter in education: One is a student who wants to learn; the other is a good teacher. Lorna is certainly more than just a good teacher.

Over the next decade we will need, it is estimated, at least 2.5 million new teachers. That is an unbelievable figure. That represents a real challenge but also an opportunity for this great Nation of ours to get more teachers like Lorna into our school systems, into the classrooms, teaching our young people. That is certainly how we will prepare our children for their great future.

Today, we thank Lorna and we also thank teachers throughout our country for the great work they do every day for our children. We say to Lorna, you are a shining example of exactly the kind of teachers we need educating our children. Enjoy your retirement. You certainly earned it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, yesterday we spent a great deal of time doing nothing. We spent most all the day in a quorum call.

The ACTING PRESIDENT pro tempore. Under the previous order, this time is under the control of the Republican leader or his designee. Is the Senator seeking unanimous consent at this time?

Mr. REID. Madam President, we were in a quorum call. This is the time for

Republicans. There is no Republican here, so when they show up I will be happy to sit down. Until they get here, I will use their time.

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

#### SENATE BUSINESS

Mr. REID. Madam President, we spent most all of yesterday doing nothing. Senator DASCHLE came on the floor late in the day and filed a petition for cloture because he recognized they were going to slow-walk this legislation on the supplemental appropriations bill, and then referred specifically to what one of the Republican Senators said yesterday, that they were going to slow down the train.

Today's publication of the Congressional Quarterly Monitor suggests they are doing what the majority leader said: Senate Republicans say they will not hesitate to slow-walk legislation important to Democrats, while aggressively pushing their own agenda.

The problem is, at this stage I don't know what "their" agenda is. We have tried to move forward on legislation that is important to their President; namely, this legislation dealing with the supplemental. The supplemental appropriations bill is very important, as we discussed on a number of occasions yesterday. This legislation is entitled: "Supplemental Appropriation Act for Further Recovery From and Response to Terrorist Acts in the United States." If that is not important, I don't know what is. They are slow-walking that. They are slowing down the train.

We read further in the article that a GOP leadership aide said the amendments to this hate crimes bill and this legislation now before us, that Senator Daschle has not seen fit to bring up, include defense authorization, a terrorism insurance proposal, and cloning.

Madam President, as we all know, there was an arrangement to bring up cloning. The majority leader agreed to do that. Of course, Republicans would not let us because they were slow-walking the legislation we had before the break.

I spoke to the Senator from Kansas yesterday about cloning. Senator BROWNBACK feels very strongly about it. He has indicated he would show us his proposal. That is something we want to do. We have offered a number of unanimous consent requests that we can move forward on, terrorism insurance. We, the majority, have tried every way possible to bring terrorism insurance before this body. The people who say they want it cannot take yes for an answer. The Republicans simply do not want this brought up. Some do not believe there is a need for it.

Anyplace in New York, go to people in Illinois, or people in Nevada, all over this country, business communities certainly believe there is a need for terrorism insurance. We want to do that.

I am very disappointed we are now in a predicament that we cannot move forward on the supplemental appropriations bill the President believes is important; we can't move forward on prescription drug benefits, which he says is important, although looking at the proposals we have had from the White House, they are a prescription drug benefit in name only. There doesn't seem to be much interest in that.

The things we need to do are very important to the people of this country. It is something as simple sounding as minimum wage. But for years we have not been able to increase the minimum wage for the people who need it. This is important, not to young people who are flipping hamburgers at McDonald's but to people raising families. Madam President, 60 percent of those drawing the minimum wage are women, and for 40 percent, that is the only money they get for themselves and their families. We need to do this.

Instead of going to these issues, we are having everything slow-walked. I do not understand the reason for that. It seems to me for the good of the country we should move forward.

This is a closely divided Senate. There is plenty of blame to go around if things do not go forward, if we do not make progress. But there is lots of credit to go around if we are able to accomplish things. I hope my friends will decide to move forward with legislation, allow us to legislate rather than hesitate, which we have been doing for the last several weeks.

The legislation before us is so important. We have talked about it on a number of occasions, how important it is for the troops we have in the field. It is important for creating homeland security—something as simple as \$200 million for security for nuclear facilities. The Presiding Officer and Senator LIEBERMAN and I have thought it important to do something to beef up security at our nuclear reactor sites. We need to do that because we have rules now at one site for a certain degree of security but at another site there is another degree of security. Even having been given 6 months' notice that there would be a surprise exercise to show how ready they were for an attack, even given 6 months for this so-called surprise, over 50 percent of the reactor sites failed in this security issue.

There will be a hearing before the Environment and Public Works Committee beginning in a half hour to deal with security of nuclear reactor sites.

There are things that need to be done to protect our homeland. I hope we can get to that. I hope the effort to slow-walk, slow down the train, stops immediately.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2579 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, as I understand, we have time now until 10:15; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Madam President, I yield myself such time as I may use.

#### HIGHER EDUCATION AND PELL GRANTS

Mr. KENNEDY. Madam President, over the period of these past weeks I have tried, with other of our colleagues, to bring attention to what is happening across the country in terms of the funding of education.

Many of us took pride in supporting the No Child Left Behind Act. Yet we are finding increasing information showing that more and more children across the Nation are being left behind. We are finding that daily in the reports.

In a little while this morning, I and others will be offering an amendment to try to address some of the special needs in the summer programs which are so important to children, in providing supplementary services to these children.

But I will focus on the overall issue we are facing of funding education, and, in particular, with regard to the availability of higher education for children from working families and from middle-income families and low-income families, and the availability and accessibility of the Pell grant program to help fund their education.

As we have all seen, there have been increasing reductions in support even in the areas of higher education.

First, I want to talk about the effect of the Bush budget on the overall investment in children and in teachers.

This chart shows the overall education program. The proposal was for a 3.5-percent increase last year. We got it up to 20 percent last year. That was really as a result of working together. That is what we all wanted to do, to work together with our colleagues and work with the administration. But working together is a two-way street. Part of it is reform but also investing

in education. That is what we were able to do last year. Yet, this year, we see the administration proposal is only a 2.8-percent increase, which is completely unsatisfactory. It does not even meet the cost of living.

Of course, there are increasing numbers of children who are eligible for particularly the title I programs. So we will be, as we move through the appropriations battle, trying to meet our responsibilities to these children.

I will bring to the attention of the Members of the Senate what happened just yesterday in New York City. Madam President, 100,000 teachers and students in New York City gathered to protest the drastic school budget cuts. There are \$358 million in cuts proposed by the mayor. One-hundred thousand students and teachers crammed eight blocks outside City Hall to protest the drastic school budget cuts proposed by the mayor.

Parents want their children educated. They want the Federal Government to work with the States and local communities to get the job done. If they see they are not getting it done in one area, there ought to be support for it in another area. They are tired of excuses.

We had the great national debate in terms of K through 12 just this last year. We made some commitments. We have some sense of expectation about what we are asking young people to do. We have some important accountability. But if we are going to ask the children to be accountable, we ought to be accountable. That is the key issue. If we are asking the young children who are going to school every single day to be accountable for the work they are to do, it is not too much to ask whether we are going to be accountable to make sure they are going to have the kind of support they need.

What is happening now is we are failing to do that. Although money does not answer all of the problems, it is a clear indication of a nation's priorities. When you see that we have a virtual abandonment of the commitment in terms of investing in children, and leaving millions of children behind because of budget considerations, it is not satisfactory.

We are, over the period of the remaining time in the Congress, going to be raising this issue. We are putting our friends and colleagues on notice that we are going to insist on accountability in the Senate.

Now, I want to mention an item in the supplemental which is very important, and that is the \$1 billion for the Pell shortfall. We are grateful to the appropriators for ensuring that that \$1 billion of shortfall was included in the supplemental. That is enormously important.

But as we are looking at the shortfall, we have to look at where we have been and what we are looking forward to. If you look at where we have been in terms of the funding of the Pell grants over the period of the recent

years, you can look back from 1993 to the year 2001, and the average increase was \$167.

During the Democratic administration, they raised the Pell grants from \$2,300 to \$3,750. That is an increase of \$1,450.

Last year, it was requested that it be raised by \$100. The Congress raised that to \$250. Look what the administration has requested for this year: zero; virtually zero in their budget in terms of the Pell grants. This is at a time when you have 640,000 more children living in poverty, and hundreds of thousands of those children are going to be eligible for the program, which means there is going to be a further withering away of the Pell grant program. That is fundamentally wrong.

If we are talking about trying to improve K through 12—and we intend to do so—then we are going to have to have better qualified children who will have an interest in going on to college. Some of those young people will not come from wealthy families. There ought to be a system that is available to them, where if they are of limited income they can get the Pell grants, they can get some loans, they can get a work study program, they can work during the course of the summer, and they can put together a package so they can go to a fine public or private university.

It was the intention of this Congress over a long period of time to say to the young people of this Nation that college was going to be available and affordable. It goes back to the 1860s and the Morrill Act, when we had the land-grant colleges. It was repeated at the time of the GI bill in the post-World War II period. It was repeated in the early 1960s, when we had grants and loans. At that time, the grants were about 75 percent, the loans 25 percent, and the system worked.

But we have seen since that time increasing numbers of young people from working families, who have the skills, the talent, and the intellect to be able to go on to college, are denied that opportunity because the Pell grant just does not provide the resources and support. That is enormously important.

We have seen where the administration has failed to fight for increased funding for K through 12. We are saying that the administration is failing to fight for those young people who want to go to our colleges. This, we believe, is absolutely wrong. We are going to go to battle and fight for that.

Let me just review, very quickly, the recent experience on Pell grants.

In fiscal year 1996, the House Republicans cut President Clinton's request for a \$2,600 maximum Pell grant by \$180, to \$2,420. Congress later enacted a \$2,470 maximum award. So even though it was cut during the negotiations, in the final negotiations, the macro-negotiations with the administration, they were able to get a very modest increase.

In 1997, the House Republicans again cut President Clinton's request for a

\$2,700 maximum Pell grant by \$200, to \$2,500. Due to the pressure, again, from the President, the House Democrats enacted a \$2,700 maximum award.

In 1998, a bipartisan year, President Clinton proposed and Congress enacted a \$3,000 maximum Pell grant.

In 1999, fiscal year 2000, the House Republicans proposed a token increase over the Clinton request for Pell grants by \$50 in 1999 and \$25 in the year 2000.

In 2001, President Clinton proposed a \$3,500 maximum Pell grant, which was recommended by House Republicans. Led by House Democrats, however, the maximum Pell grant was later increased to \$3,750, providing a \$450 increase over the previous year and the largest increase in more than 25 years.

Again, in 2002, President Bush proposed a \$100 increase for the maximum Pell, the smallest increase in 7 years. The President proposed the smallest increase—this is last year—in 7 years. With a bipartisan effort, Congress enacted a \$250 increase, raising the maximum level to \$4,000. And because of anticipated enrollment increases, the budget fell short and would have resulted in an actual cut in the Pell grant. In fiscal year 2003, President Bush proposes to freeze the maximum Pell grant at \$4,000. However, the Congressional Budget Office estimated that this will result in a cut of the maximum award to \$3,900.

When we are talking about trying to give a helping hand to young people of talent, ability, and intellectual capability to go to the fine schools and colleges of this country after they have gone through the high schools, many of these young people need the kind of financial package which includes some grants, some loans, work study, and other programs. For those in this body who don't understand what a difference \$100 can make, if you increase fees by \$100 or \$200 in most community colleges, you will find a reduction in the number of applications of 5 or 10 percent; \$200 to \$300 will reflect a reduction of young people being willing to commit to that kind of indebtedness. That is what this is about.

We have tried to show, and we are going to address, the issue of the summer funding programs later on when we have the supplemental. We have been trying to show in the past weeks the failure to invest in K through 12.

We thank the appropriators for the increase of \$1 billion they have provided to make sure the Pell grant is not going to fall behind. But as we are thankful to the appropriators for not falling further behind, we are mindful that this administration has requested absolutely zero in this budget. They are proposing \$600 billion in tax cuts that will affect the wealthiest individuals and zero in terms of education for Pell grants that offer educational opportunities. Those are the choices being made.

We on this side of the aisle find that that is an intolerable and unfair choice for millions of hard-working families

and their children who have the ability. They don't get the grant unless they are able to be accepted into the schools and colleges. We are demanding excellence of those children who go from K through 12. Then when they want to continue their education, what happens? We have an administration that says: Zero.

We want to give the American people the assurance that those of us on this side are going to work with our colleagues and others who are interested, but we will not stand for this kind of indifference in terms of support for young people to attend schools and colleges with Pell grants.

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

Mr. KENNEDY. I yield.

Mr. DURBIN. I was listening to his speech off the floor. Back home in Illinois, we have just gone through a bruising budget battle at the State level. As a result of that battle, they have increased tuition at colleges and universities, meaning that families, particularly working families that already are trying to save so their kids can go to college, are facing even higher indebtedness for their children going to college, greater cost in tuitions and fees. And if I understand the Senator from Massachusetts, on the Federal side of the equation where we help students with Pell grants, for example, the Bush administration is proposing cuts in terms of the Pell grants.

What I would like to ask the Senator from Massachusetts is, isn't this coming at the families in both directions: On the one hand, the States raising the tuitions and costs; on the other hand, the amount of money available through the Bush budget for families across America is being reduced? This seems as if it will create really an incredible hardship on a lot of these families. Is that the point the Senator is addressing?

Mr. KENNEDY. The Senator is quite correct. First of all, the general estimate at this time is that the budget deficits for States across the country is somewhere between \$48 and \$50 billion. The general rule of thumb is about a third of that is education cuts. That is being reflected in higher fees or tuition. In my State, it is higher fees. That just means the fees will go directly to that particular school. If it were tuition, it would go into the State education funds.

As far as the student is concerned and the families, they are still paying it out of their pocket. It is an increase in taxes. It is an increase in taxes effectively. It is money they will have to pay so that this administration can give tax breaks to the wealthiest individuals. We are interested in its impact in terms of education.

What we are seeing is that there is an increasing number of young people of talent, ability, desire, individuals who can contribute to this Nation, to make it a stronger Nation, who can add to the economy, add to the essence of the

elements of a democracy, who are being effectively shut out. The best estimate we have is that there will be 100,000 young people with this budget who would otherwise be eligible who will be excluded if we do nothing at all.

I don't see how that reflects what the administration has suggested; that is, education is their most important priority.

Mr. DURBIN. If the Senator will continue to yield, if I could follow up, we know that he and others, Democrats and Republicans, worked with the President for this education plan, Leave No Child Behind. One of the cornerstones of that plan was making certain we had quality teachers in the classroom.

Frankly, we are fighting a battle that is pretty tough. With more teachers retiring, with the demands on teachers increasing, with the number of teachers who are lured away to other private sector jobs increasing, we find ourselves struggling to maintain teacher quality.

I ask the Senator from Massachusetts, how much easier is it going to be to recruit the next generation of teachers when we are making the cost of college education higher? How much easier will it be if those young students graduating from college have a greater college debt as they come out of school to make the choice to go teach where we want them to teach, K through 12, high school, where we need their skills? How can we maintain teacher quality at a time when the Bush administration's budget is cutting back assistance to colleges, thereby increasing the debt for some students and discouraging others from pursuing higher education?

Mr. KENNEDY. I want to answer the question in two ways:

First, to underline the point being made by the Senator from Illinois, if it is going to cost more to go, if the children are going to borrow more and it will cost more, it will be a disincentive to those who want to have additional degrees in teaching. We want a well-qualified teacher in every classroom. This will be a financial disincentive for them to get their degrees, and it will be a disincentive for nurses to continue their education in order to become better nurse specialists, as it will in terms of child care, to try to strengthen those individuals who are trying to get some degrees to increase their ability to deal with the Nation's children. In those three areas, this will be a further disincentive.

Second, as the Senator will see from this particular chart I have before me, the administration's budget does nothing to improve teacher quality and reduce class sizes. We had final appropriations of \$742 million last year. The proposed budget is zero for this year. These funds can be used in terms of recruitment, in terms of developing a mentoring system which has been so successful, as we found in the hearings. In terms of retention, it gives flexibility to local communities. They need

these additional funds to provide financial help for salaries in local communities.

We have given maximum flexibility to communities to ensure that we have a well-qualified teacher in every classroom. We want to provide the incentive to help local communities. We can't do the whole job, but we are committed to trying to do our part.

The Senator raises the issue of where we are in the budget for this year in terms of recruitment and maintaining professional development for teachers who want to upgrade their skills. We find that in this administration's budget it is effectively zero over the previous year. I am troubled by both of these factors when we say we are serious about enhancing education.

Mr. DURBIN. Let me ask the Senator from Massachusetts this question. He was the negotiator, the one who put together this legislation with President Bush and the White House. Aren't we also imposing some obligations on school districts across America to have more teachers certified in certain subjects so that they will teach math and science, for example, computer skills, because they also have the skills and training to do it? Aren't we saying to school districts in the next few years, we want you to have more and more certified teachers, qualified teachers, standing in the classrooms?

I hear that when I get back to Chicago in the State of Illinois. They say: That is a good goal. We want to meet that goal. But understand that takes an investment in teacher education and training; that takes resources for the school district to attract these good teachers and keep them. Aren't we, in the Bush bill, Leave No Child Behind, creating a goal of more certified teachers in the classroom and then in the Bush budget not putting in the money to achieve that goal?

Mr. KENNEDY. The Senator is absolutely correct.

There are many important parts of this No Child Left Behind. But for me the point of having a well-qualified teacher in front of every child in this country and doing that over a 4-year period—we gave the priorities to the areas where we had the neediest children, where you have the highest numbers of teachers who have not gotten their degrees. You have to admire these people anyway; they are teaching in difficult circumstances, and the best information we have is many of them want to continue teaching in these underserved areas if they will have an opportunity to get a degree and enhance their education.

But does the Senator know that there will be 18,000 fewer teachers who will be trained this year over last year because we have failed to provide the resources? I ask the Senator what possible sense that makes as well.

Mr. DURBIN. I say to the Senator from Massachusetts that we can't have it both ways. We cannot establish standards and say to school districts

across America that we want you to have accountability and testing and the very best teachers in the classroom, we want you to prove you can educate our young people so they can produce for the 21st century, and then have the President send us a budget that doesn't provide the resources.

We had the press conferences. Everybody was patting one another on the back and smiling and saying we were all committed to education. Now comes the sorry part of the picture, when the budget itself is not presenting the resources the school districts need. As I see it, over the past several years we have made dramatic increases in education, increasing our commitment as a nation to better schools and better students. Now we seem to have taken a dramatic step behind. I might add, the Senator from Massachusetts understands, as I do, that to do this is terrible, but to do it in order to generate another tax cut for the wealthiest people in America makes no sense at all in terms of investing for our future.

I ask the Senator, haven't we had a long run here of increases in spending for education that is now, in the Bush budget, being broken?

Mr. KENNEDY. Well, the Senator is absolutely correct. If you take the past years of expenditures, the increases, we show that from 1997 to 2001, in terms of education, it went up 13 percent. In 2002, total education is 16 percent. If you look at the budget request by the administration—I draw this to the attention of my colleagues. Look at the budget projections over the future. From 2003 to 2010, it is virtually zero. It is the cost of living, which in this bill the request is not—but it is not any increase whatsoever in terms of children. As a result, we are going to find out the number of children who are going to be left behind.

These are the facts. You are going to find out all the way out to 2007 that you are still going to have—current projections—over 6.5 million children left behind. If we had funded the legislation—No Child Left Behind—which the President signed, we have gone from 6.3 million down to 3.9 million over that period of time. If we are going to say we are not going to leave any children behind, we ought to have this number zero. This is the best we could do in terms of the legislation. This is what the rhetoric is. This is what the reality is. That is what is happening in this country not only in funding this legislation but in school budgets.

I would like to inquire of my colleague and friend, does he not find in Illinois that parents want their children to be able to go to a good school and learn? They are less interested about what the funding stream is going to be from the local, State, or Federal. Obviously, we have a responsibility to meet our obligations as to States and local communities. The parents want to be sure children are—

The PRESIDING OFFICER (Mr. REED). The time of the Senator has expired.

Mr. KENNEDY. I ask unanimous consent for 3 more minutes.

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

Mr. KENNEDY. Now we are putting it at risk—both the kinds of reforms we have gotten out here and in terms of the assurances to those parents that we are going to do our business. Doesn't the Senator agree with me?

We heard so much about accountability, that we ought to be accountable, as well as these children in local schools, and by doing that meet our responsibilities in investing in the children.

Mr. DURBIN. I think the Senator is correct. At this time, parents sending their children to school are less concerned about the sources of the money going into the schools. They want to make certain that the children coming out of the school are well educated.

Here we have a President who really did some historic things. He made an announcement that there was going to be a Federal commitment to education. His political party had said in years gone by they wanted to eliminate the Federal commitment to education. He said: I am going to take a different course. We are going to make a Federal commitment to schools and education and funding. We applauded him, and the Senator from Massachusetts did. We voted with him and gave him a bipartisan, strong vote. We said we will stand with you because every level of government should make a commitment to this most basic issue in America: educating our children.

And now comes the first budget. The promise of the Federal commitment to education is disappearing before our eyes. So for the parents in Illinois, and in Massachusetts, and in Wisconsin, who are concerned about the quality of schools, they have to feel they have been misled by a President who said he wanted to make this commitment but then presents a budget that does not.

We have to make the difference here in Congress. We have to put in the resources, and I think this Democratic Senate has to lead the way.

I thank the Senator from Massachusetts for his leadership.

Mr. KENNEDY. Our time is expiring, but we are going to take time every week to go over these figures and give a report to the American people and our colleagues on what is happening in real terms. We are giving the assurances that we are going to fight in these remaining weeks and months to make sure we are going to invest in the children. We are very hopeful we will get the support of our colleagues in doing so.

I thank the Senator and I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

# SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Reid Amendment No. 3570, to direct the Secretary of Agriculture to carry out a certain transfer of funds.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending Reid amendment be temporarily set aside in order that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I wonder if the Senator will amend the request to provide that after the disposition of the amendment of the Senator from Massachusetts that the Senator from New Hampshire, Mr. GREGG, be recognized to offer an amendment.

Mr. KENNEDY. I amend my request.

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has requested permission to set aside the pending amendment to bring up his amendment. The Senator from Wisconsin has requested permission, at the conclusion of the Kennedy amendment, to offer the Gregg amendment.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there objection to temporarily setting aside the Reid amendment?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I object to Senator FEINGOLD's request to add the Gregg amendment in sequence until we can see that. May I ask Senator KENNEDY to repeat his request?

The PRESIDING OFFICER. Will the Senator from Massachusetts repeat the request?

Mr. KENNEDY. I had asked that the pending Reid amendment be temporarily set aside, and then I was going to send my amendment to the desk, if that was agreed to. Then I understood Senator FEINGOLD asked unanimous consent to go after I conclude my amendment. That is what I had understood was going to be the process. I am

glad to work out whatever arrangement.

Mr. STEVENS. So far as I understand the position of this side, we have no objection to Senator KENNEDY setting aside the Reid amendment and proceeding with his amendment, but I do object to the sequencing of any amendment after that.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I object to the request of the Senator from Massachusetts. I do not want to object, but I do, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The Senator from Massachusetts still has the floor.

Mr. KENNEDY. Mr. President, I then offer—

Mr. FEINGOLD addressed the Chair.

Mr. KENNEDY. I think I still have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is correct; he has the floor.

AMENDMENT NO. 3583 TO AMENDMENT NO. 3570

Mr. KENNEDY. Mr. President, I offer a second-degree amendment to the Reid amendment.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, and Mr. DURBIN, proposes an amendment numbered 3583 to amendment No. 3570.

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

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

The PRESIDING OFFICER. Is there objection to the request to ask for termination of the reading of the amendment? Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency school funding)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront

more than \$200,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—Provided that, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), \$200,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

(5) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

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



The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Kennedy amendment be withdrawn and the Reid amendment No. 3570 be agreed to; that immediately after adoption of the Reid amendment, Senator KENNEDY be recognized to offer a first-degree amendment, and that there be 60 minutes of debate with respect to the amendment prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form, with no second degree amendment in order to the Kennedy amendment prior to a vote in relation to the amendment; that upon disposition of the Kennedy amendment, the next amendment in order be one offered by Senators GREGG and FEINGOLD; that there be 60 minutes of debate prior to a vote in relation to the amendment, with no second-degree amendment in order prior to the vote, with the time divided as follows: 15 minutes each for Senators GREGG and FEINGOLD and 30 minutes under the control of Senator CONRAD or his designee; that if the amendment is not disposed of by a Budget Act point of order, then it be subject to further debate and second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, did I hear the Senator from Nevada say there will be 15 minutes each for Senator GREGG and Senator FEINGOLD?

Mr. REID. Yes, that is true.

Mr. FEINGOLD. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, before Senator KENNEDY moves forward and we dispense with amendment No. 3570, I extend my appreciation to my counterpart, the Republican whip, who has worked this very hard. It has been extremely difficult to get to where we are today, but we are moving forward. It could not have been accomplished without the help of my friend from Oklahoma.

AMENDMENT NO. 3583 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Kennedy amendment No. 3583 is withdrawn.

AMENDMENT NO. 3570

The PRESIDING OFFICER. Under the previous order, the Reid amendment is agreed to.

The amendment (No. 3570) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3608

Mr. KENNEDY. Mr. President, the amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, Mr. DURBIN, and Mr. REED, proposes an amendment numbered 3608.

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

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

The amendment is as follows:

(Purpose: To provide emergency school funding)

On page 89, between lines 3 and 4, insert the following:

**SEC. 807. EMERGENCY SUMMER SCHOOL FUNDING.**

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than \$150,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—That, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), \$150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

Mr. KENNEDY. Mr. President, as I understand, we have an hour's time limit to be divided equally. I will make some very brief opening comments and then yield to my colleague and cosponsor, Senator SMITH from Oregon.

I offer this amendment on behalf of myself, Mr. SMITH of Oregon, Mrs. BOXER, Senator DODD, Senator REID, Senator MURRAY, and Senator DURBIN.

Very briefly, this amendment provides \$150 million in emergency funding for fiscal year 2002 to communities to provide students who have fallen behind in their schoolwork the opportunity to catch up with their peers. The second area of education is to award emergency grants to communities that have unmet needs for the summer school programs. Priority in funding will be given to communities that have had to eliminate or cut back their summer school programs due to local and State budget reductions and have high poverty rates. Funding is to be provided on a one-time basis to ensure there are safe learning opportunities this summer for the neediest children.

The bill before us provides urgently needed resources to fight against terrorism, and this is vitally important to the Nation. But just as we must address needs on the war front, we must also turn to urgent priorities at home. There is no greater priority than ensuring a good education for our children. Good schools are critical to the Nation's future, and they are critical

to our national security and national defense.

We want our service men and women to be well trained, well led, and with the latest in terms of technology. In order to be able to do that and perform to secure our Nation, they have to be able to have a good education.

We have learned in recent days that schools across the country are cutting back on their summer school programs, creating an emergency for our schools, for our parents, and for schoolchildren. I know the Senator from Oregon has a schedule to keep, so I will yield to him and then I will come back and give the Members an idea about what is happening with the cuts in summer school programs and the value of the summer school programs, reaching the conclusion of all who were involved in the No Child Left Behind Act, if we are going to ask our children to perform, we have to make sure they are given the kind of support they need.

The 300,000 children who are going to have their summer school eliminated will not graduate from their schools without this kind of assistance because they are the ones who are involved in this program, and then we will be faced with what their futures will be without completing their education.

In our education program, we put a strong requirement on the students to perform, on schools to support those efforts, on teachers to be qualified, and also we have a part as well to make sure those children are not going to be left behind.

I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank Senator KENNEDY for yielding this time to me. I am pleased to join him in this amendment he has offered in the spirit of no child being left behind. It is obvious to anyone that the effect of the recession in many of the States, my own included, is that education is suffering devastating cuts and these are manifest particularly as to programs such as summer school.

Specifically, in my State, Portland, has eliminated summer school entirely for elementary school. It has cut its middle and high school programs in half, leaving more than 1,000 students unserved. Similar cuts are being made in Eugene, Beaverton, Salem, and in other schools across my State. These cuts are being made in States across the country as well, and preliminary reports indicate that as many as 300,000 students nationwide will not benefit from summer school this year.

I emphasize that this amendment is for any school that has unmet summer school needs. In Oregon, it means reversing summer school cuts, but in other States it may mean expanding their limited programs to reach more low-income and underserved students. If we do not step in and help our schools now, thousands of students across Oregon and across the country

will not get the extra attention they need this summer. Those are thousands of students who will suffer next year if we do not act to help them today. Let's give our school districts the resources they need to help students who need it most. I urge my colleagues to support this effort.

It is my experience as a father, that summer school is a very valuable tool in the home to motivate better academic performance by the children. Just the threat to one's children that if they do not buckle down now, they will be going to summer school, I have observed does create some degree of terror and dread and better performance.

I hate to see this eliminated because my children have shared with me later that it was a good experience and highly motivational to go to summer school. As a Senator, I can, with great enthusiasm, support what Senator KENNEDY has offered because we have, with the very best of intentions, tried to get our economy moving with the stimulus package, with which we tried to backfill the impact of State budgets. That was taken out in a conference committee, against my objections, but it was done, and we passed it.

This has created shortfalls in States. This is being manifest not only in health care programs and other cutbacks, but in education programs. It seems to me we have a role because we helped create a short-term deficit so we would have a long-term surplus, that we can, with this package today, help in a critical area by restoring summer school funding.

I have seen it work as a dad. I think we need it to work as Senators, and I urge my colleagues to join Senator KENNEDY and myself in passing this very needed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 additional minutes.

Once again, I give this information to our colleagues about the value of the summer school programs and give some examples of the studies that have been done and what the results have been. The most recent review of educational research shows that summer school programs make a difference for students. A recent review of 39 studies shows that the academic test scores declined over summer school vacation. The 13 more recent studies show summer school loss is equal to 1 month of learning at grade level. In addition, summer break was more detrimental to math computation and spelling, and the neediest students lost the most. Middle-class students gained during the summer on grade level reading tests while high-poverty students lost ground.

Our efforts with the ESEA are to target the neediest students. Research indicates quite clearly what happens to them without any summer school, but listen to what happens to them with it. The Chicago public schools initiated

the summer school program in 1996 to help children who had fallen behind catch up. Eighty-three percent of the 9,700 Chicago third graders required to attend summer school last year had met their grade level criteria by the end of the summer. That is absolutely extraordinary progress. Seventy-five percent of sixth graders and 71 percent of eighth graders made the grade by the end of the summer. Without summer school, these students would not have been promoted to the next grade.

Listen to what has happened in Ohio. Ohio test scores for fourth graders show that children in summer school and afterschool programs exceeded the statewide percentages of students meeting proficiency standards in every subject area tested: Writing, reading, mathematics, citizenship, and science. Sixth graders exceeded the statewide percentages of students meeting proficiency standards in four of the five areas: writing, reading, mathematics, and citizenship. School absences and tardiness were reduced for participating students.

Look at Fulton County schools in Georgia, operating a summer accelerated learning experience that provides full-day summer school for 1st through 12th grade, including the breakfast and lunch for all students in the community, as well as participating students. In 1999, they provided half-day programs with only 3,000 student participants; in 2000, they expanded to full day and attracted twice as many students; in 2001, they had 10,000 students. This year, they predicted 11,000 students. The district tested students at the beginning and end of the summer and found great improvement.

The value of the summer school programs has been defined for students across this country.

Against that, we have the schools that are canceling the programs. I refer to an excellent story in the Gannett News Service regarding what is happening to summer schools across the country. It points out that summer schools have been a lifeline for students who struggle to meet higher academic standards and face repeating grades. In No Child Left Behind, we have tried to eliminate social promotion. Children have to measure up. Great numbers of children now are required to take summer school in order to be able to meet the academic challenges we have included in the program.

Now we see the canceling of the programs. This is very modest, costing about \$1,000. It varies in different parts of the country but is basically about \$1,000 for the summer program per student. What is happening is, 39 States have made midyear budget cuts during the fiscal year. A May analysis by the National Association of State Budget Offices shows they are cutting students from kindergarten through high school in the summer. Expectations are rising, but the funds are not. Something has to break. The programs that could



be singled out, such as summer school, are getting the ax, according to Michael Griffith, policy analyst with the Denver Education Commission.

Across the country, budget cuts imperil summer classes. In Washington, DC, educators slice student enrollment at the District 5-week summer program by 50 percent—a reduction in Washington, DC, by 50 percent of summer school programs that children otherwise are required to take in order to try to meet the standards.

In Indiana, more than \$470 million in budget cuts forced education to cut 15 percent of the money for the summer school programs. As a result, some school districts are limiting class to key academic studies such as reading and math.

In South Carolina, districts have trimmed or eliminated summer school programs. "You cannot cut textbooks; that money was spent the first day of school," said a spokesman for the South Carolina Department of Education, Jim Foster. One of the few things left to cut—something not done yet—is summer school.

I will mention some of the reductions. In Florida, in Dade County, 19,000 students are cut out of summer school programs; in Hillsborough County, FL, 36,000 students have lost the summer school program; in Broward County, 40,000 students have lost summer programs; in my State, Massachusetts: Worcester County, MA, 6,000; more than 25,000 in the State of Michigan. Even in smaller communities, in South Carolina, in Laurens County, \$100,000 for 280 students is eliminated. In Marion County, SC, \$50,000 was eliminated, and 200 students, needy in terms of education requirements, see their program eliminated.

In Wisconsin, \$60,000 in Mequon; 1,200 students. This is over 300,000 students according to the latest information.

This is an emergency. We have in the program provided the Secretary obligate the funds within 4 weeks or sooner. If we are able to get it, there is every expectation that the appropriators will move this conference rapidly. The differences are minimal. There are some differences with the House, not great. They will move it rapidly, I expect in a matter of days, and we will get the final outcome with the inclusion of this amendment. All that has to happen, from our conversations with school superintendents, school boards across the country, if the Secretary obligates the money, they will have the resources and they can reinstate these summer programs.

The Department at the present time has on file \$150 million in worthy, highly regarded 21st century summer school and afterschool applications—already ranked and already peer-reviewed, on the Secretary's desk. He could approve \$150 million worth of those this afternoon. They have been peer-reviewed and ranked. All that needs to be done is to give greater targeting to the needy students. We give

discretion to the Secretary to be able to do that. That would be manageable.

The Department can promise the funds to those districts placing a priority on those canceling the summer school programs or so the districts can borrow money to resume the summer programs, and the Department can then reimburse.

States contemplate more summer school cuts right now. My own State is considering a \$40 million additional cut. This is a barebones amendment to deal with an emergency. If we do not do this, these summer school programs are headed for the chop block. We made a commitment to the students that we would not leave them behind. The school districts now are saying to the students: Look, you have to make the grade in these schools, in terms of the tests, and you have to stay and do the work over the course of the summer and raise your grades because we are eliminating social promotion from these States and these local communities. So the students are prepared to go. And now we are saying the resources will not be there.

This is an emergency. It does relate to our security in a very important way in terms of the education of our children. It seems to me the Senate should be willing to accept this amendment.

How much time remains?

The PRESIDING OFFICER (Mr. JOHNSON). Twelve and a half minutes. The Senator from California.

Mrs. BOXER. Mr. President, I am very grateful to have 6 minutes to try to put into words my strongest support for this very important amendment which has been put forward by our leader on education, Senator KENNEDY, with the strong endorsement of Senator GORDON SMITH, making it a very bipartisan amendment.

There is some confusion about what an emergency supplemental bill is. I have been in the Congress—hard to believe it—20 years, 10 in the House and 10 in the Senate, and we take up emergency supplementals all the time because there are unmet needs and we need to act.

Senator KENNEDY is pointing out a crucial unmet need. I was very delighted when he asked me to speak because I have worked hard with him, with the Presiding Officer, and others on afterschool programs for our children.

The funding will go into the afterschool programs. We all think of afterschool programs as occurring at the end of the day when kids could go home to empty houses, and so on. That is the usual way to think of it. But Senator KENNEDY is doing something interesting. What he is basically saying is afterschool ends and for some kids there is no summer school. That is afterschool in the broadest sense. So I support these funds going through the 21st Century Learning Centers.

When President Bush speaks about education, he talks about leaving no

child behind. As a mother, as a grandmother, as a Senator from the largest State in the Union, I know that when you leave a child home alone in the summertime, you are really giving a new meaning to "left behind." We know during the regular school year what happens. The FBI has shown us the crime rate going dramatically upward after school hours. We know what happens when a child has all day to sit alone at home, without having the chance to have activities funneled into something positive, without having the chance to hone their skills for the rest of the year.

As Senator KENNEDY has stated so eloquently many times, we are putting much more of a burden on our youngsters to step up to the plate and achieve high standards. I support that. But at the same time, to deprive them of summer school this summer just as we are putting all these standards in place is a cruel hypocrisy. If we do not support this amendment, I think we are doing something very cruel indeed to those children.

This amendment will benefit every single State in the Union. The way it is worded, it will go to States that have a shortfall, but it will also go to areas where there is an unmet need. In my home State of California, summer school is a very high priority. But even with that, and even with the fact that in our State you cannot cut it back, in terms of State funds, we have a tremendous unmet need. Many of our children are left behind; 6,000 California students who are eligible for summer school will go without.

So I say to Senator KENNEDY: Thank you very much on behalf of those 6,000 children. This is not some theoretical debate. This is a real emergency for many of our families who do not have the wherewithal, who do not have the ability to ensure their children are protected from being alone after the school year is over. I believe with this amendment we will be making a very strong statement.

Again, it is important for colleagues to recognize that this is an emergency supplemental. Yes, it has much in it that deals with homeland security, and I support every dollar for that. But, again, as Senator KENNEDY has stated, and as former President Dwight Eisenhower stated—because he was the first one to call attention to this—if we do not educate our children, we are taking a national security risk.

It is not a stretch in my mind to say that for kids home alone who should have an effective summer school program, that is, in fact, an emergency. That is, in fact, something we must address in this bill. It is an emergency.

Again, I believe the definition of afterschool certainly should apply to this situation. After school is over, what happens to our children? Many of them will be fortunate, they will have summer school; their energies will be channeled; their talents will be invigorated. They will do better in the

school year following. But many of them are left behind.

If our President means what he says—and I know in his heart he means it—he ought to support this.

I thank my colleague from Massachusetts for his leadership on this.

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

Mr. KENNEDY. Mr. President, how much time now remains?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. KENNEDY. On the other side, Mr. President?

The PRESIDING OFFICER. Thirty minutes.

Mr. KENNEDY. Mr. President, I will take 2 minutes. I mentioned earlier the impact on some of the counties. I want to point out this is not just large communities or small communities, it is in all communities. I will use, for example, what some cuts mean to children. Just for the minute or two, I will use some of the counties in the State of Florida, but these are replicated in other communities.

In Hillsborough, around Tampa, a \$6.2 million cut, which is the entire program canceled for 36,000 students not served; Lee County, \$1.3 million cut, all summer school services have been cut, except for those for the IDEA students. That is 2,500 high school students will not be served.

In Leon County, they have \$1 million for their summer school program. They have now decided not to serve any of the 3,600 they intended to serve.

In Manatee County, \$1.4 million was cut from their summer program leaving just \$275,000, so that entire program is canceled, except for the students who need only one credit to graduate.

This is being replicated in rural areas, urban areas, all across the country—300,000 children were depending upon summer school in order to meet their obligations to try to meet the rigors of academic challenges in school. If we do not provide the resources here in this legislation in a timely way, those programs will be canceled and those children are in very serious risk of not being able to move to another grade or to graduate. I think that falls into the definition of an emergency.

AMENDMENT NO. 3608, AS MODIFIED

Mr. KENNEDY. Mr. President, I ask the modification that Senator SMITH and I described be made at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, what is the modification?

The PRESIDING OFFICER. The modification of an emergency designation.

Mr. BYRD. I have no objection to the Senator being able to do that.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3608), as modified, is as follows:

At the appropriate place, insert the following:

# SEC. \_\_\_\_ . EMERGENCY SUMMER SCHOOL FUNDING.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.

(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing supplemental academic services and academic enrichment activities designed to help students meet local and State academic standards.

(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.

(D) During the summer of 2002, school districts throughout the Nation will confront more than \$200,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(2) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and

(B) offer students an array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—

(1) IN GENERAL.—Provided that, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), \$150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—

(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.

(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary of Education shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—

(i) serves high concentrations or numbers of low-income children;

(ii) before June 6, 2002, announced that the local educational agency is canceling or reducing summer school services in 2002; or

(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer school funding for 2002.

(3) APPLICATION AND OBLIGATION.—

(A) APPLICATION.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

(B) OBLIGATION.—Not later than 4 weeks after the date of enactment of this section, the Secretary of Education shall obligate funds made available under this section.

(4) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" has the meaning given the term in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

(5) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, regrettably, I must oppose the amendment offered by my friend from Massachusetts. I do not like to oppose this amendment. I would be very supportive of this amendment were it under different circumstances and not being offered to this bill. The amendment would provide \$150 million in emergency funding for fiscal year 2002 to support community summer school programs.

Last December, Congress approved and the President signed the Labor-HHS Education Appropriations Act for fiscal year 2002. That act contains significant resources for the summer school program. Currently, the Federal Government provides \$1 billion in funding for the 21st Century Afterschool Program. In fiscal year 2002, the funding increased by \$150 million.

Senator KENNEDY makes a very strong case for this program, and I certainly agree with him in the concept, but I cannot support this amendment as it is being offered to this supplemental bill.

This supplemental appropriations bill is focused on providing the resources necessary to support the war on terrorism and to secure our homeland.

In the supplemental bill, we funded the President's request for \$14 billion for the Department of Defense. We have provided \$8.3 billion for homeland defense programs.

I believe it is essential that the Senate move forward quickly in approving this bill so that Federal agencies and State and local governments have the resources they need now—not later—to prevent, to detect, and to respond to potential terrorist attacks. Funding homeland defense must be our highest priority.

Sadly, in the Statement of Administration Policy, delivered to the Senate yesterday, I believe it was, the President's senior advisers indicated they would recommend that he veto this

bill because it contains what the administration characterizes as "lower priority, nonemergency programs."

It is not clear which of our homeland defense programs the administration was referring to in their statement. Was it the funding to train and equip firefighters? Was it the funding to enhance law enforcement? Was it the funding to enhance port security? Was it the funding for airport security? Was it the security funding that the Department of Energy believes is essential to prevent terrorists from getting their hands on nuclear material but that OMB turned down?

Regardless, we are facing a veto threat because the advisers to the President at least, apparently, believe we have too much funding in the bill for homeland defense and other programs.

I believe the President and his advisers are fundamentally wrong when it comes to homeland defense.

The Vice President has said we can expect another terrorist attack—that it is almost certain. When might that happen—tomorrow, or next week, or next year? Yet the administration opposes critical homeland defense programs that our recent Appropriations Committee hearings demonstrated were necessary to fill in the cracks in the security of our homeland.

Having said all of this, I do not believe we should add fuel to the fire by adding funding to this bill for a program that was well funded in the Labor-HHS Education Act. Was it because the summer school programs used more funds? Senator KENNEDY and other Senators make a good case that it could be. But it is not an emergency.

I regret having to oppose this amendment. I think I can say without any feeling that anyone can question my statement that I have been as great a supporter of education as any Senator in this Chamber. I have supported education all through the years. I support summer school programs. But I don't support adding \$150 million to this bill when the threats of veto downtown indicate we would simply be adding fuel to the fire.

This is a tough bill. It has been very difficult to bring it thus far. We conducted hearings which were extremely substantive. We had good witnesses. We had witnesses from all over the country—Governors, mayors, and people who are at the local level, firefighters, policemen, and health officials. We had former Senator Sam Nunn and former Senator Warren Rudman come before the committee. We had seven Federal Department heads. We went into matters very thoroughly on this committee. We were concerned about homeland defense. We wanted to provide the moneys that could be used in a protective way and in a way that would make our people safe. These moneys are for schoolchildren—for the safety of schoolchildren, for safety in schools, and for the safety of the children and their parents in their homes.

I just do not want to do anything that would give the administration any assistance in arguing that we are going beyond what we should do in this particular bill. We are having a hard enough time with the administration as it is. The Homeland Defense Director, Mr. Ridge, would not come before the committee. The President would not let him come before the committee. So we had to make do with what we could. We had very good hearings even though he did not appear before the committee.

So we are doing the best we can to protect the people of this country in the face of imminent threats, if we are to pay any attention to what the administration has said about threats.

I hope we will not add this amendment to this bill. It would be difficult enough in conference to carry the bill as it is written.

We think what is in the bill, generally speaking, has been the product of our hearings. The hearings have been studied assiduously by the staff of both sides. And Senator STEVENS and I have labored hard to bring this bill thus far. I don't want to see this bill vetoed. I hope we can convince the President not to veto it. But I think we ought to be very careful not to be adding amendments on this floor that will make it easier for the administration to make its case.

I shall yield the floor at this point. I yield 5 minutes to the distinguished Senator from Alaska, Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of our committee.

I regret that I must take the position we have to take on this amendment. It provides emergency funding for communities that have summer school programs. But as we look at it, the priority is given to communities that have had to eliminate or cut back on programs due to State or local budget reductions.

We increased the money in the budget for 2002 by \$150 million above the 2001 budget in this area. Having increased it \$150 million, the State and local governments reduced their effort. And now the Senator wishes us to make up the reduction brought about by local and State reductions which they took because we had provided Federal money to assist them in the area. It is a never ending cycle if we do that.

But beyond that, I call attention to the fact that we are already in June. There is no way in God's heaven we are going to get this bill to the President before July. The normal processes of releasing money would not get the money to them before September, when the school year has started. This is no way to treat our emergency bill that is before us now to deal with emergencies of homeland defense, emergencies in defense, and other emergencies. There are emergencies. The Oklahoma bridge

is an emergency. But this is not an emergency. They are not needed on an emergency basis. They cannot be spent this summer.

I am compelled to oppose the amendment because of the circumstance we face.

I want to tell the Senate that this is the test. Everybody comes to us saying, you two big spenders are going to spend all the money around the place.

The Senator from West Virginia and I have the job of trying to urge the Senate to get this bill to conference. As I said yesterday, I would like to see just a motion to go to third reading and take the bill we brought out of committee to conference, and bring the bill back by Tuesday so it might even get to the President before July 4. But under the procedure we are now following, I seriously doubt this bill will be on the President's desk before the July 4 recess, which is a travesty.

This amendment adds to that delay because, I can assure you, the House will not accept this amendment. It is going to be opposed by the President and add to the bundle of sticks already there that brought about this threat of a veto.

So I want to ask the Senate to support the leadership of our committee and refuse to accept this amendment because it is not an emergency, to vote against this concept of waiving the point of order that the Senator from West Virginia is compelled to make. He, as I do, believes very much in children. We believe in providing the money that is necessary.

I am alarmed at the process that is underway whereby as we increase Federal spending, the State and local entities decrease theirs, so there is no net benefit to the beneficiaries we are trying to assist by bringing some additional Federal money into the areas previously occupied totally by State and local funds.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an emergency. If we do not provide the resources to these States, we are going to see an increased number of children who are not going to get the help they need.

I will point out, before we get all excited about this being an emergency, there are a number of items that are included as emergencies in this supplemental: National Park Service construction at \$18 million; fire claims for New Mexico for \$80 million. I am going to support that and vote for it. But let's not leave the impression this is only for homeland security. I will not go into the several hundred million dollars for additional items in the bill.

If we are going to take care of the fire claims in the Southwest and provide funding for the National Park Service, I think we ought to provide money for children to go to school in the summer. That is an emergency, too. I hope that we would do that.

The principal money that was increased last year starts in July and is for the next fiscal year. These schools and many of the school districts did not understand the emergency. But the requirements we put on the schools were not only for the poor children, they were for every child in this country. We ought to be concerned about the emergency that every child in this country is facing when they are being knocked off assistance to meet certain standards which our bill last year required them to meet. That is why this is an emergency and why I think it is important.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia controls 16½ minutes.

Mr. BYRD. How much time does the opposition have?

The PRESIDING OFFICER. Two minutes 15 seconds.

Mr. BYRD. Mr. President, I know it is easy to point to a bill that is a \$31 billion bill. We increased that bill yesterday by \$393 million. So it is \$31,393,000,000.

Now, it is easy to look at that, easy to pick at little items—pick, pick—but I think that if those items are considered and studied and all the facts are known, they are justified. They are justified.

We do the best we can with a big bill. I do not take a back seat to anybody in support for the people of this country: the education of our children, young people, and adults.

Last year, the President requested \$44.5 billion for discretionary education programs. This level was woefully inadequate. Through negotiations with the White House, I was able to reach agreement on a ceiling for discretionary spending that was high enough to provide a \$4.4 billion increase for our Nation's education programs.

Following that agreement with the White House, I provided, as chairman of the Appropriations Committee, an allocation to the Labor-HHS Education Subcommittee that was large enough for Chairman HARKIN to approve a \$4.4 billion increase over the President's request and \$6.7 billion, or 16 percent, above the prior fiscal year.

So if you are looking for "Mr. Education" around here, I will stay in the ring; I will fight for that as hard as anybody else. I got my education the hard way. I started out in a two-room schoolhouse in southern West Virginia. I graduated in 1934 in a class of 28 persons. I was the valedictorian. If there had been 29 persons, I might not have been valedictorian. But it was 16 years after I completed high school before I was able to start college.

So don't talk to me about education. You are looking at somebody who typifies the effort to study and to learn and the effort to help others to learn.

I went to school 10 years at night in this city to get my law degree, not that I ever expected to be a lawyer, but I wanted to learn. I am still learning.

I chose this past Sunday to travel miles into the mountains of West Virginia to address a commencement. I had several commencement invitations from West Virginia high schools and colleges. I chose one. I chose to address the commencement at a high school in Pickens, WV, near Helvetia, a little town that was founded by Swiss immigrants in the early 1800s.

How many students were in that whole school? Thirty-seven from kindergarten through the senior class. How many students were in the senior class? Three—not 300; two young men and one young woman.

Why did I choose them? I wanted to go to that little school to let those little people back there in the hills, who might feel that they are off the beaten path, that somebody was interested, somebody was paying attention to them.

That little school has won several of the Statewide academic awards. They don't go in big for athletics—I don't, either—they concentrate on academics, and they won several awards. A little school with one ten-thousandths of the whole school population in West Virginia has won 11 percent of the academic awards in that State.

So I am for education. I want to help our young people. Years ago, I fought for summer jobs for young people in this District of Columbia so they could work and, hopefully, stay out of trouble.

So I can shout as loud as anybody, and I can believe what I am saying as conscientiously as can anybody else. I am doing what I can for education. Education is one of my priorities; it always has been. But this is a different bill. We are talking about the safety of young people who attend schools at Pickens, Sophia, or here in Washington, DC. We are talking about the safety of people.

This administration tells us that we might see a repeat of what happened on September 11; it is almost certain.

This bill needs to pass. We need to get it to conference. We need to get it to the President. And I hope that the President will not veto it. It is a worthwhile bill—not that the amendment that the distinguished Senator is proposing is not worthwhile. I support that amendment but not on this bill—not on this bill.

I have a job to do here, and it is to try to get the bill through.

How many minutes remain?

The PRESIDING OFFICER. Ten minutes remain.

Mr. BYRD. I thank the chair, and I yield the floor for now.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. I yield 3 minutes to Senator GREGG.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the chairman of the committee. I rise in opposition to this amendment which is obviously well intentioned but unfortunately is not affordable at this time, and certainly not on this bill. It is inconsistent with some of what we have already done in the area of summer school education.

First, the reason it is inconsistent is that there is no way this bill is going to pass in time for this money to get out for the summer school activities. As a practical matter, although it would be a nice vote and obviously would be politically attractive, its impact on summer school will be negligible, if any at all, because the money simply will not get there.

Secondly, it is important to remember that in the ESEA bill, we have given the authority to local school districts to spend title I money for the purposes of summer school, which makes a great deal of sense, and the President has increased funding for title I by \$1.6 billion last year and asked for another \$1 billion this year. Those are significant dollar increases.

If a local school district desires, it can use those moneys for the purpose of extending the school year or aggressively promoting summer school. The money is in place, already appropriated. As a practical matter, it is following a path which we set under ESEA, which was the bill we passed, No Child Left Behind, and is part of that entire package.

Although this additional money is certainly well intentioned, I don't see it having much effect because it is not going to get to the schools by this summer because the money will not be available in that timeframe.

Secondly, we have already funded these programs through the dramatic increase in title I which has come about as a result of the President's leadership.

For that reason, I oppose the amendment. I yield back my time.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Two minutes 10 seconds.

Mr. KENNEDY. And on the other side?

The PRESIDING OFFICER. Eight minutes.

Mr. KENNEDY. Mr. President, I will yield the remaining time to myself.

While taking care of the war front, we also must take care of the home front. Summer school is an emergency for 300,000 schoolchildren who may not graduate without this amendment. It is just as deserving as other emergency items in this bill. There are other emergency items: National Park Service construction, \$18 million; Bureau of Indian Affairs, department management, \$7 million; Forest Service capital improvements, \$4 million; fire claims, \$80 million. These are all under

the emergency provisions. I believe \$150 million for summer school programs for children is as deserving as those programs.

In the end, this is about families, it is about children, it is about who we are as a nation. Can we protect our interests abroad and also help our children here at home?

I know a point of order will be made. I hope we would add this as an amendment to meeting emergency requirements such as those other items I indicated have been included. Children, summer school programs, ought to be included as well.

Mr. President, I am prepared to yield back the remainder of my time, or I will withhold the time depending on the opposition.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may require.

Mr. President, the supplemental also contains \$1 billion for the Pell grant shortfall. That is a key education program. I want the record to show that the bill is certainly not devoid of moneys that are to be spent in the interest of education.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven and one-half minutes.

Mr. BYRD. Mr. President, would the distinguished Senator from Massachusetts like some of my time?

Mr. KENNEDY. I thank the Senator. I think we have had a good discussion. I am prepared to yield back the time. I am very grateful to the Senator. We are prepared to yield back the time and move ahead. I would retain that time if others were going to speak, but I am prepared to move to the vote on what will probably be a point of order. If the Senator cares to, I will yield back my time, if those in opposition will yield back their time.

Mr. BYRD. How much time does the Senator from Massachusetts have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. BYRD. That would be a good tradeoff.

I consider the Senator from Massachusetts to be not only a fine Senator, but he is my friend. He is very interested in fostering education and providing good legislation and good funding. If he wants another 3 minutes, I will be glad to yield him 3 minutes of my time. I am ready to make a point of order, but I don't want to do it without giving the Senator or any other Senator who wishes to speak time on his behalf.

Mr. KENNEDY. As I mentioned, we are prepared to move ahead with the resolution. I will yield back my 30 seconds. I understand when all time has expired, then a point of order will be made. We will let the Senate make a decision. I thank the Senator very much for extending me the time. We

have had other Senators who have spoken. I think we are prepared to move ahead.

Mr. BYRD. Very well. Mr. President, I am constrained to recall a little poem which I think the distinguished Senator from Massachusetts will like. I like it very much. I think we are both interested in the same cause, the education of our young people.

As a Senator who has great-grandchildren, I certainly hope for the best for these great-grandchildren and the great-grandchildren of all other great-grandparents in the country.

I guess I will close my opposition to this amendment with this brief recapitulation of verse:

I took a piece of plastic clay  
And idly fashioned it one day—  
And as my fingers pressed it, still  
It moved and yielded to my will.  
I came again when days were past  
The bit of clay was hard at last.  
The form I gave it, still it bore,  
And I could change that form no more!

I took a piece of living clay,  
And gently fashioned it day by day,  
And molded with my power and art  
A young child's soft and yielding heart.  
I came again when years were gone:  
It was a man I looked upon.  
He still that early impress bore,  
And I could fashion it never more.

I think that pretty well sums up my feeling toward our young people, our children, the education of our young people. Now is the time, the formative period in their youth when we can shape and mold them to our will. Now is the best time for the learning process, while they are young and they don't have the other cares that they will have later.

I compliment the distinguished Senator for his offering of this amendment. I oppose it with apologies. But I can't help it. This bill is not the bill on which we should attach this amendment, however worthy the amendment.

With those apologies, I will make the point of order. I yield back my time.

Mr. KENNEDY. Mr. President, if I may have 30 seconds, I thank my friend from West Virginia. He can make a speech in favor of education, name every one of his elementary and secondary schoolteachers, give all of their background, and convince this body of the importance of funding. I am looking forward to standing with him, hopefully shoulder to shoulder, as we move on into these appropriations to try to do what needs to be done for the children of this country. I always enjoy the chance of working with him. My time has expired, I understand.

Mr. BYRD. I thank the Senator. I assure him we will be standing shoulder to shoulder in many instances.

Mr. President, section 205 of H. Con. Res 290, the fiscal year 2001 concurrent resolution on the budget, created a point of order against an emergency designation on nondefense spending. The amendment contains nondefense spending with an emergency designation.

Pursuant to section 205 of H. Con. Res 290, the fiscal year 2001 concurrent

resolution on the budget, I make a point of order against the emergency designation contained in the amendment.

Mr. KENNEDY. Mr. President, I move to waive section 205 of H. Con. Res 290, the concurrent resolution on the budget for fiscal year 2001 for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. KENNEDY. Mr. President, parliamentary inquiry: The "yea" vote will be interpreted as waiving the Budget Act for the purpose of this amendment, is that correct?

The PRESIDING OFFICER. A "yea" vote is in favor of waiving the Budget Act.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

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

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 132 Leg.]

#### YEAS—38

Akaka	Harkin	Nelson (FL)
Bayh	Hollings	Nelson (NE)
Biden	Jeffords	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Cantwell	Kerry	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Smith (OR)
Dodd	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Wellstone
Edwards	Mikulski	Wyden
Feinstein	Murray	

#### NAYS—60

Allard	Crapo	Leahy
Allen	Dayton	Lott
Baucus	DeWine	Lugar
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Breaux	Enzi	Miller
Brownback	Feingold	Murkowski
Bunning	Fitzgerald	Nickles
Burns	Frist	Roberts
Byrd	Graham	Santorum
Campbell	Gramm	Sessions
Carnahan	Grassley	Shelby
Carper	Gregg	Smith (NH)
Chafee	Hagel	Snowe
Cleland	Hatch	Stevens
Clinton	Hutchinson	Thomas
Cochran	Hutchison	Thompson
Collins	Inhofe	Thurmond
Conrad	Inouye	Voinovich
Craig	Kyl	Warner

#### NOT VOTING—2

Helms  
Torricelli

The PRESIDING OFFICER. The yeas are 38, the nays are 60.

Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

AMENDMENT NO. 3608, AS MODIFIED, WITHDRAWN

Mr. KENNEDY. Madam President, I ask unanimous consent that the amendment be withdrawn.

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

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak for up to 2 minutes as in morning business.

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to follow the Senator from Wisconsin with two amendments to be called up.

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I have no personal objection; however, I believe we should consult with the Republican leader, Senator STEVENS. At this time, I am constrained to object.

The PRESIDING OFFICER. The objection is heard.

Ms. LANDRIEU. Let me inquire if I could call them up and lay them aside before a decision to vote.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have to object.

The PRESIDING OFFICER. The objection is heard.

AMENDMENT NO. 3687

The PRESIDING OFFICER. Under the previous order, the next amendment is the Gregg-Feingold amendment.

Mr. GREGG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. FEINGOLD, Mr. CHAFEE, Mr. KERRY, Mr. VOINOVICH, and Mr. MCCAIN, proposes an amendment numbered 3687.

Mr. GREGG. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend and strengthen procedures to maintain fiscal accountability and responsibility)

At the appropriate place, insert the following:

PART —BUDGET ENFORCEMENT

#### SECTION 1. SHORT TITLE.

This Part may be cited as the "Budget Enforcement Act of 2002".

#### SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control

Act of 1985 (2 U.S.C. 901) is amended by striking paragraphs (7) through (16) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the discretionary category: \$766,169,000,000 in new budget authority and \$758,880,000,000 in outlays;

“(B) for the highway category: \$27,728,000,000 in outlays;

“(C) for the mass transit category: \$6,256,000,000 in outlays; and

“(D) for the conservation spending category: \$1,920,000,000 in new budget authority and \$1,872,000,000 in outlays;

“(8)(A) with respect to fiscal year 2004 for the discretionary category: \$784,425,000,000 in new budget authority and \$814,447,000,000 in outlays; and

“(B) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000, in new budget authority and \$2,032,000,000 outlays;

“(9)(A) with respect to fiscal year 2005 for the discretionary category: \$801,968,000,000 in new budget authority and \$833,246,000,000 in outlays; and

“(B) with respect to fiscal year 2005 for the conservation spending category: \$2,240,000,000, in new budget authority and \$2,192,000,000 in outlays;

“(10)(A) with respect to fiscal year 2006 for the discretionary category: \$819,740,000,000, in new budget authority and \$845,056,000,000 in outlays; and

“(B) with respect to fiscal year 2006 for the conservation spending category: \$2,400,000,000, in new budget authority and \$2,352,000,000 in outlays;

“(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund subcategory of the conservation spending category: \$540,000,000 in new budget authority and the outlays flowing therefrom;

“(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation subcategory of the conservation spending category: \$300,000,000 in new budget authority and the outlays flowing therefrom;

“(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation subcategory of the conservation spending category: \$160,000,000 in new budget authority and the outlays flowing therefrom;

“(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes subcategory of the conservation spending category: \$50,000,000 in new budget authority and the outlays flowing therefrom;

“(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance subcategory of the conservation spending category: \$150,000,000 in new budget authority and the outlays flowing therefrom;

“(16) for the Coastal Assistance subcategory of the conservation spending category:

“(A) with respect to fiscal year 2002: \$440,000,000 in new budget authority and the outlays flowing therefrom;

“(B) with respect to fiscal year 2003: \$480,000,000 in new budget authority and the outlays flowing therefrom;

“(C) with respect to fiscal year 2004: \$520,000,000 in new budget authority and the outlays flowing therefrom;

“(D) with respect to fiscal year 2005: \$560,000,000 in new budget authority and the outlays flowing therefrom;

“(E) with respect to fiscal year 2006: \$600,000,000 in new budget authority and the outlays flowing therefrom; and

“(17) with respect to fiscal year 2007 for the discretionary category: \$840,993,000,000, in new budget authority and \$858,266,000,000 in outlays.”

(b) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and

Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking “2002” and inserting “2007”.

(c) EXPIRATION.—

(1) GRAMM-RUDMAN-HOLLINGS.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended—

(A) by striking “2002” and inserting “2007”; and

(B) by striking “2006” and inserting “2011”.

(2) CONGRESSIONAL BUDGET ACT.—Section 904(e) of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended by striking “2002” and inserting “2007”.

#### SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking “enacted before October 1, 2002,” and inserting “enacted before October 1, 2007”; and

(2) in subsection (b) by inserting at the end thereof the following:

“(3) EXCEPTION.—Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990).”

#### SEC. 4. POINT OF ORDER TO REQUIRE COMPLIANCE WITH THE DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 643(b)) is amended to read as follows:

“(b) DISCRETIONARY SPENDING LIMIT AND PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

“(1) IN GENERAL.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any bill or resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would—

“(A) exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 or any suballocation of such limits among subcommittees under section 302(b); or

“(B) for direct spending or revenue legislation, would cause or increase a deficit (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990) for any one of the following three applicable time periods:

“(i) the first year covered by the most recently adopted concurrent resolution on the budget;

“(ii) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

“(iii) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

“(2) BUDGET RESOLUTIONS.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on that concurrent resolution) that would exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(3) POINT OF ORDER AGAINST A SPECIFIC PROVISION.—If the Presiding Officer sustains a point of order under paragraph (1) with respect to any separate provision of a bill or resolution, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(4) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e).



“(5) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d).

“(6) EXCEPTIONS.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.”.

#### SEC. 5. ENFORCEMENT AGAINST BUDGET EVASION.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

##### “BUDGET EVASION POINT OF ORDER

“SEC. 316. (a) Discretionary Spending Limits.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

“(b) PAY-AS-YOU-GO.—It shall not be in order to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

“(c) DIRECTED SCORING.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

“(d) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.”.

(b) TABLE OF CONTENTS.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

“316. Budget evasion point of order.”.

Mr. GREGG. I offer this amendment on behalf of myself, Senator FEINGOLD, Senator CHAFEE, Senator KERRY, Senator VOINOVICH, and Senator MCCAIN.

Essentially, this amendment does two things. It reinstitutes the caps and it reinstitutes the pay-go language. It puts back in place budgetary discipline as we move through this process of appropriations bills.

Recently, we have seen the budget discipline within the Congress has eroded rather dramatically. We have seen the Agriculture bill and the trade adjustment bill both adding massive new entitlement programs. We know as we look down the road we will have very significant costs in the area of fighting terrorism and in the area of natural defense. It is absolutely critical in this context that we start to put some budget discipline in place.

We are facing, regrettably, a deficit, something we hoped would not happen, but it has happened as a result of the economic slowdown and as a result of the effects of terrorism. The deficit is growing rather radically, unfortunately. Our job as legislators is to

make sure we do not aggravate that deficit by not being fiscally responsible as we bring forward appropriations bills and other bills which might have entitlement spending included.

Unfortunately, the disciplining mechanism which actually exists out there, or has existed for the last 5 or 6 years, is about to lapse; that is, the ability to have a fixed number beyond which if we are going to spend we have to have a supermajority to do that. That is called caps.

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

This language which Senator FEINGOLD and I have put together and which failed on a very close vote in the Budget Committee, a tie vote, in fact—it would have passed with one more vote—reinstitutes the same traditional approach—so 5-year caps, 5-year pay-go, and, as a result, put in place some discipline.

There are some subtleties to our bill about which I want to be open. Some people have looked at them and said they are interested in them and some said they are concerned about them. One is the way we enforce this mechanism by saying the bill which exceeds the caps allocated to it by the chairman of the Appropriations Committee, the 302(b) allocation, that if a bill exceeds that cap, that bill is subject to a point of order on specific parts of that bill, depending on what part of that bill is unable to be sustained with 60 votes. So it becomes a targeted approach of trying to bring that bill back into proper perspective as far as appropriations and the budget are concerned.

Second, the basis for the cap is the Democratic budget proposal as it passed the committee. So the numbers are for the 5 years. Those were the gross numbers. Those numbers are higher than those of the President this year by \$9 billion, but over the 5-year period they are actually about the same as the President's number. In fact, I think they are within a couple of billion dollars of each other. As a practical matter, there is a path toward maintaining fiscal responsibility.

If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

I hope my colleagues will support this effort. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I rise today to join with my colleague from New Hampshire, Senator GREGG, as well as my colleagues Senators CHAFEE, KERRY,

VOINOVICH, and MCCAIN to offer this amendment, which I believe is a commonsense budget process amendment, the Budget Enforcement Act of 2002.

Let me especially thank the Senator from New Hampshire, who has been a terrific leader on this issue. As he said, we made a real effort in the Budget Committee, had an excellent debate with the chairman of the Appropriations Committee and only lost on a 9-to-9 vote. We were hoping for a good result today, but we are both devoted to returning some budget rules because we both believe this is one of the main reasons we were able to have some success in the 1990s in bringing the budget under control and actually getting to the point where we had a surplus for a brief period of time.

In the 1990s, we took fiscally responsible actions that led to balancing the budget in 1999 and 2000, without using Social Security, which was a tremendous achievement. Last year, the Government returned to the bad habit of using the Social Security surplus to fund other Government activities. I believe we have to put an end to that practice. The Government will not have these Social Security surpluses to use forever. In the next decade, the baby boom generation will begin to retire in large numbers. Starting in 2016, Social Security will start redeeming the bonds that it holds, and the non-Social Security government will have to start paying for those bonds from non-Social Security surpluses.

The bottom line is that, starting in 2016, the Government will have to show restraint in the non-Social Security budget so we can pay the Social Security benefits that Americans have already earned or will have already earned by that time.

That is why we cannot continue to enact either tax cuts or spending measures that push the Government further into deficit. Before we enter new obligations, we need to make sure we have the resources to make our Nation's commitment to our seniors under Social Security. I believe we need to return to the priority of protecting the Social Security trust fund. We should, as President Bush said in a March 2001 radio address, “keep the promise of Social Security and keep the Government from raiding the Social Security surplus.”

Yes, September 11 changes priorities and how the Government spends money, but September 11 does not change the oncoming requirements of Social Security. As an economist has said: Demographics is destiny; we can either prepare for that destiny or we can fail. To get the Government out of the business of using Social Security surpluses to fund other Government spending, we need to strengthen our budget process. That is what this amendment does and that is why we urge our colleagues to support it.

The history of budget process changes teaches that realistic budget enforcement mechanisms work. The

Budget Enforcement Act of 1990, enacted with bipartisan support, with a Democratic Congress and a Republican President, deserves much credit for helping to keep the Government on that path to reduce and eventually eliminate the deficit.

A central feature of the 1990 act was the creation of caps on appropriated spending. Of course, in recent years, Congress has blown through those caps, when those caps were at unrealistic levels, and when the Government was running surpluses. But in most years of their history, appropriations caps helped to constrain the politically understandable appetite to spend without limit.

Congress has repeatedly endorsed the idea of spending caps. Congress renewed and extended the caps in the budget process laws of 1993 and 1997. And six of the last eight budget resolutions have set enforceable spending caps. If budget numbers are to have any meaning—if they are not to be just wishes and prayers—then we need to have enforcement.

Our amendment would reinstate and extend the caps on discretionary spending, and would do so at a realistic baseline. It would simply set those levels at those in the budget resolution reported by the Budget Committee on March 22. And our amendment maintains, without change, the separate subcaps created in the Violent Crime Act of 1994 and the Transportation Equity Act of 1998.

Like the 1990 budget law that it extends, our amendment would apply budget enforcement to entitlements and taxes. It would extend the pay-as-you-go enforcement mechanism. All parts of the budget would thus be treated fairly.

Our amendment would also improve the points of order that enforce the caps and pay-as-you-go enforcement. It would allow Senators to raise a point of order against specific provisions that cause the caps or pay-as-you-go discipline to be violated. This part of the amendment will work very much like the important Byrd rule that governs the reconciliation process, which is of course named after the distinguished senior Senator from West Virginia.

Under our amendment, if a piece of legislation violates the caps or pay-as-you-go discipline, any Senator could raise a point of order and force a vote on any individual provision that contributes to the budget violation. If the point of order is not waived, then the provision would be stricken from the legislation.

The amendment would also shut back-door ways around the caps and pay-as-you-go enforcement, by requiring 60 votes to change the caps, alter the balances of the pay-as-you-go scorecard, or direct scorekeeping.

Our amendment would limit the exceptions to the point of order against emergency designations in the fiscal year 2001 budget resolution, so that all

emergencies would be treated alike. Our amendment would thus treat emergencies as they were treated in the text of that budget resolution when the Senate passed it on April 7, 2000, rather than in the watered-down form it had when it came back from conference with the House of Representatives.

Finally, our amendment would extend for 5 years the requirement for 60 votes to waive existing points of order that enforce the Congressional Budget Act. The 60-vote requirement that gives these points of order teeth expires on September 30 this year under current law.

This is sensible budget process reform, in keeping with the best, most effective budget process enforcement that we have enacted in the past. It would make a significant contribution toward ending the practice of using the Social Security surplus to fund other government activities. That is something that we simply must do, for our seniors, and for those in coming generations who will otherwise be stuck with the bill. I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent that a summary of the amendment be printed in the RECORD.

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

GREGG-FEINGOLD-CHAFEE-KERRY AMENDMENT—BUDGET ENFORCEMENT ACT OF 2002

**Appropriations Caps**—The amendment would reinstate and extend for 5 years the caps on discretionary spending, keyed to the levels in the budget resolution reported by the Budget Committee. Points of order and the threat of across-the-board cuts would continue to provide enforcement.

**Pay-as-You-Go Entitlements and Taxes**—The amendment would reinstate and extend the pay-as-you-go discipline that controls entitlement spending and tax law changes. Points of order and the threat of across-the-board cuts would continue to provide enforcement.

**Point of Order Against Specific Provisions that Violate the Caps or Pay-as-You-Go**—If legislation violated the caps or pay-as-you-go enforcement, the amendment would allow any Senator to raise a point of order against (and thus force a vote on) any individual provision that contributed to the budget violation. If the Senate did not waive the point of order, then the provision would be stricken from the legislation. This point of order would work just like the Byrd Rule against extraneous matter in reconciliation legislation.

**Guarding Against Budget Evasions**—The amendment would shut back-door ways around the caps and pay-as-you-go enforcement, by requiring 60 votes to change the discretionary caps, alter the balances of the pay-as-you-go scorecard, or direct scorekeeping.

**Extending Existing Points of Order**—The amendment would extend for 5 years the requirement for 60 votes to waive existing points of order that enforce the Congressional Budget Act. The 60-vote requirement that gives these points of order teeth expires on September 30 this year under current law.

Mr. FEINGOLD. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time

will be charged proportionately against the Senators who control time.

The Senator from New Hampshire.

Mr. GREGG. I yield 4 minutes to the Senator from Rhode Island, Mr. CHAFEE.

Mr. CHAFEE. Madam President, I rise today in support of the amendment sponsored by Senators GREGG, FEINGOLD, KERRY, VOINOVICH, MCCAIN, and myself.

This is a commonsense amendment that extends existing appropriations caps and pay-as-you-go rules for another 5 years. In addition, the amendment strengthens some budget enforcement mechanisms.

The Senators that have spoken before me have done an admirable job of explaining the provisions in the bill. I want to stress the necessity of fiscal discipline.

Every day constituents and experts talk to me about spending programs that are vitally important to them, asking me to support increased spending. Just as often I hear from people who want to do away with some tax, or lower a tax. They all have excellent arguments, and there is much merit to the initiatives they would like me to support. The problem is that if I were to support each of them, I would be supporting an agenda of cutting taxes and increasing spending. Such an agenda would directly result in deficit spending, which would increase the already enormous Federal debt.

In good conscience, I cannot support such an agenda. Therefore, often I must tell visitors that I cannot be supportive of their cherished initiative. As all in this body know, telling constituents that you do not support their project is a difficult job, especially when the reason that I give them is that "The money just isn't there." Because they respond by saying, "The money always seems to be there."

The problem is that they are right. In a time of war, and deficits, we have approved new tax cuts, which I opposed. We are contemplating permanently extending other tax cuts, which I will oppose. As if that were not enough, we also have added a raft of new spending—including the farm bill and the stimulus—which I opposed. There is no end in sight.

We have gone from record surpluses straight back to deficits. We approved a massive tax cut last year, which limits the amount of money available. We know that the war on terrorism will be very costly. We know we are facing unprecedented demographic changes that will result in staggering costs to sustain Social Security and Medicare. Added to all that, we have a \$6 trillion debt, which costs \$200 billion in interest payments each year. And we practice no restraint. We continue to spend money, deepening the hole we are in.

This amendment is a step towards reestablishing fiscal discipline in this body. It alone will not ensure the return of balanced budgets—but it is a step in the right direction. Therefore, I

urge all my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 30 minutes.

Mr. CONRAD. How much time remains on the other side?

The PRESIDING OFFICER. The Senator from New Hampshire has 8 minutes; the Senator from Wisconsin, 9.

Mr. CONRAD. Madam President, I ask the Chair to advise me when I have consumed 10 minutes.

Madam President, the amendment offered by our colleagues is well intentioned. In fact, I share many of the goals they have enunciated today. We have an enormously serious problem with the fiscal condition of the country. This chart shows that we are now headed for a return to an era of deficits that is going to continue long into the future. This chart goes back to 1992, back to the time when we were deep in deficit. Many of us know the extraordinary efforts that were required to lift us out of deficit, back into surplus, which we enjoyed for just a few short years.

Last year, a series of decisions were made on a massive tax cut. Then, of course, the attack on the country occurred that led to increased spending for defense and homeland security. At the same time, there was an economic slowdown. We experienced those three events—the massive tax cut, the attack on this country that led to increased spending, and, of course, the economic slowdown. Those three, led by the tax cut—the tax cut was the biggest contributor to returning to deficit—has plunged us back into deficit by very large amounts that are going to continue the rest of the decade. That is the circumstance we face.

The proposal by our colleagues has a very serious set of problems attached to it. They have gone to what is an enforcement mechanism that we have seen in the past. If you liked Gramm-Rudman, you will love Gregg-Feingold because they have returned to the notion of enforcement based on projections; not what actually happens but based on projections of what will happen.

This is a fatal flaw. In fact, it could undermine the very budget discipline they are seeking to support. Have we forgotten what happened under Gramm-Rudman? Have we forgotten the endless game playing and gimmicks that resulted from Gramm-Rudman?

Have we forgotten the rosy scenario? Let us go back to 1990 and look at what could happen under the proposal of our colleagues to now again rely on forecasts and projections rather than real results.

Back in 1990, OMB told us at the beginning of the year that we were going

to have a \$100 billion deficit. They were right on track with the deficit reduction plan that was in place. That is what they said.

What actually occurred? It wasn't a \$100 billion deficit. It was a \$221 billion deficit.

All projections, all false; all that lead to a circumstance under the proposal from the Senator from New Hampshire and the Senator from Wisconsin that could lead a Congress to have more tax cuts, more spending, based on a projection that everything was OK. Later in the year, when reality sets in, their answer is to only deal with half of the equation that leads to budget deficits. Budget deficits are a result of an imbalance between spending and revenue. Their only answer is on the spending side of the equation. That is, I think, a mistake.

Let us look at what it took to get us back into balance. Back in the 1980s—here is the blue line, the revenue line, and the red line is the spending line. We can see for a very long period that spending exceeded revenues, and by large amounts. The result was a quadrupling of the debt of the United States.

What happened in 1993? We passed a plan to cut spending and to raise revenue. It was that combination that led us back to fiscal responsibility, that led us back to balance, that eliminated deficits, and that reduced debt.

Have we forgotten that worked?

I hope very much that we don't go down this slippery slope of a whole new enforcement mechanism based on projections rather than real results. That way leads to real trouble.

In addition to those problems, our friends who are coming before us with this amendment—well intentioned as it is—I think do underestimate the uncertainty of our time.

When this headline appeared on September 12, everything changed. This headline says, "U.S. Attacked."

We all remember that somber day when there were two strikes at the World Trade Center and passenger airliners turned into flying bombs, and what happened shortly thereafter with the attack on the Pentagon. That changed everything. We are now in a period of extraordinary uncertainty.

Here are recent headlines that talk about uncertainty. This is the Vice President of the United States warning of future attacks:

Possibility of another al-Qaida strike "almost certain," the Vice President says.

In this circumstance, we should not be tying the hands of the Congress and the administration for the next 5 years. None of us are wise enough to know what demands may be made on this country. None of us can know what is in the next 24 hours, much less the next 5 years.

We ought to be ready to respond to any attack and any strike against this country. We ought not to be in a fiscal straitjacket that makes a response more difficult.

It is not just the Vice President of the United States. This is the head of the FBI: "Warns of Suicide Bombs."

Calls U.S. attacks akin to those on Israel inevitable.

Our friends who are sponsoring this amendment will say we have a way around that for defense spending. We only have a simple majority vote for additional defense spending.

Those are not typical defense expenditures that are being used to respond to terrorist attacks. Defense is part of it, but another part is called "homeland security." Homeland security funding is not off in the defense budget. It is in the budget of the FBI, it is in the budget of the INS, it is in the budget of the FAA, it is in the budget of the Transportation Department, and it is in the budget of the Department of Health and Human Services to respond to attacks and to bioterrorism. The money needed to defend this Nation is not just in the defense budget.

Have we forgotten the response of this Congress to the attacks of September 11? Was it just defense spending that we increased? Absolutely not. We also responded with money for homeland security because we understood a terrorist threat to this country could not be just defended in the traditional way.

The uncertainty goes to other areas as well. This is a headline of Tuesday of this week in USA Today:

Nuclear Clash Would Batter World Financial Markets.

They are talking about what would happen if a nuclear exchange occurred between India and Pakistan. They alert us to the fact that it would batter world financial markets.

Nuclear war would spark a sell-off and send world stock markets tumbling.

This is a period of uncertainty, and we ought not to be tying the hands of the Congress being able to respond.

The uncertainty is not just on the spending side of the equation. It is also on the revenue side of the equation.

This is a headline of April 26 in the Los Angeles Times:

Lower Tax Receipts Could Double the United States Budget Deficit . . .

In this year alone.

I agree with that analysis. I think we are headed for a budget deficit this year of perhaps \$160 billion and next year an even larger budget deficit.

That is why enforcement provisions are critically important. But they have to be enforcement provisions that will actually work and not make the situation worse.

I wish to announce my intention now to offer the budget enforcement provisions that have worked, and to do so after the disposition of this amendment.

Let me add one other observation about the amendment that is being offered.

The Gregg-Feingold proposal extends the statutory pay-as-you-go enforcement procedures for 5 years, but it substantially amends the current pay-go

law to allow direct spending increases or tax cuts to be enacted without being paid for if the Office of Management and Budget projects that there will be a surplus without Social Security.

That is the Achilles' heel of this amendment. It is based on projections and not real results.

We have been down that road before. It was a disaster for fiscal responsibility. Let us not repeat it.

I thank the Chair. I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

Mr. MCCAIN. Madam President, I rise in support of the Gregg-Feingold-Kerry amendment. I believe there is no perfect solution. There is no perfect answer to the problem we face. Perhaps some may argue that the caps for the first year are too high. Perhaps if I had written this amendment I might have made them lower. The fact is, without this amendment, there is no fiscal discipline. There is no fiscal discipline that can be imposed on a process which has lurched out of control.

To state the obvious, we have gone from estimates of \$50 or \$60 billion surpluses at the beginning of this year, to somewhere around \$100 billion, \$150 billion deficits, and we have not even passed the first appropriations bill. And if this emergency supplemental, which is \$4 billion higher than the President's, is any indicator, we are going to be in a sea of red ink.

I think it is a bipartisan effort. It extends discretionary spending caps and the pay-go requirement for entitlement expansions and tax cuts.

These mechanisms have helped to impose fiscal discipline since they were first enacted in 1990, but they obviously expire this year. It would be ironic and irresponsible to let the caps and the pay-go expire just when the budget is punching back into deficit.

There are a lot of organizations around the country. One that I respect, and I know my colleague from New Hampshire respects, is the Concord Coalition.

The Concord Coalition is chaired by former U.S. Senators Warren Rudman and Bob Kerrey. They serve as the Concord Coalition's cochairmen. And former Secretary of Commerce Pete Peterson serves as president.

They issued some grades. They are a fiscal responsibility organization. And the Concord Coalition just released this report on fiscal responsibility:

Overall: Progress toward short, medium, and long-term fiscal responsibility, D;

Short-Term: Enacting measures that maintain fiscal responsibility, C-;

Medium-Term: Enacting measures that are fiscally responsible over the next 10 years, D-;

Long-Term: Enacting measures that deal with the entitlement financing gap and ensure fiscal sustainability, D-.

They begin their report by saying:

Crocodile tears are flowing over the return of budget deficits—now likely to exceed \$100 billion this year and next. Nearly everyone says they want the dip back into red ink to be brief. But almost no one is willing to give up anything to ensure that result. Indeed, the attitude seems to be: if deficits are back, let's make the most of them and blame someone else for the result.

They go on to say:

The bottom line—obscured but not altered by the events of 2001—is that our nation's greatest fiscal challenge remains the need to finance the huge unfunded retirement benefits and health care costs of a permanently older population.

Madam President, I ask unanimous consent that this release be printed in the RECORD.

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

[From the Concord Coalition, June 2002]

#### THE CONCORD COALITION'S REPORT ON FISCAL RESPONSIBILITY

##### DEFICITS ARE BACK, AND THE BUDGET BAZAAR IS OPEN FOR BUSINESS

It is now clear that the appropriate loosening of fiscal policy undertaken in response to the mild recession and devastating terrorist attacks of 2001 is turning into a headlong retreat from long-term fiscal responsibility. Crocodile tears are flowing over the return of budget deficits—now likely to exceed \$100 billion this year and next. Nearly everyone says they want the dip back into red ink to be brief. But almost no one is willing to give up anything to ensure that result. Indeed, the attitude seems to be: if deficits are back, let's make the most of them and blame someone else for the result.

Tax cut advocates, defense hawks, farmers, educators, health care providers and beneficiaries, transportation planners, and veterans groups all insist that deficits are no reason to scale back their claims on a surplus that no longer exists. Each interest group has a grassroots constituency and an army of lobbyists. And each is prepared to threaten political retribution if every dime of its wish list is not funded. This may be an attractive short-term political strategy, but it's a terrible long-term fiscal policy.

The bottom line—obscured but not altered by the events of 2001—is that our nation's greatest fiscal challenge remains the need to finance the huge unfunded retirement benefits and health care costs of a permanently older population. The Baby Boomers' retirement costs will begin to impact the budget in just six years, and there is no plan for dealing with them other than to run up the debt. Surpluses would help by either reducing the debt, which provides needed savings and fiscal flexibility, or by providing resources to help pay the transition costs of Social Security and Medicare reform. Deficits can be acceptable as a short-term fiscal stimulus, but returning to chronic deficit spending would make the long-term challenge far more difficult.

Washington policymakers should focus on regaining budget surpluses as soon as is practicable. Instead, the recent breakdown in fiscal discipline, the refusal to acknowledge many likely expenses, and the wavering commitment to any particular goal—be it a unified balanced budget or balance excluding Social Security—signal that a prolonged period of deficits far in excess of official projections is probable. The question now being tested is whether the political will exist to reverse this trend. The preliminary answer is a decided: no.

#### THE FISCAL RESPONSIBILITY REPORT CARE

The Concord Coalition has graded Washington's performance on fiscal policy in three key time frames: the short-term (next 1-2 years), the medium-term (next 10 years), and the long-term (beyond the next 10 years). Each category is graded on a scale of A to F, with A signifying great improvement, and F signifying great harm. There is a necessary overlap in the consequences of policy decisions throughout the time frames.

#### Category and Grade

Overall: Progress toward fiscal responsibility: D.

Short-Term: Enacting measures that maintain fiscal responsibility over the next 1-2 years: C-.

Medium-Term: Enacting measures that are fiscally responsible over the next 10 years: D.

Long-Term: Enacting measures that deal with the entitlement financing gap and ensure fiscal sustainability: D-.

#### SHORT-TERM GRADE: C-

For reasons largely beyond the control of policymakers, the short-term outlook has gone from projected surpluses in excess of \$300 billion to probable deficits in excess of \$100 billion. (See table on Page 4.) Fiscal policy decisions in the current environment are more difficult than usual because actions to stimulate the economy and beef-up security, while legitimate in the short-term, create the risk of higher deficits in the long-term.

Given the circumstances, the test of fiscal responsibility is not whether the budget falls into deficit for a year or two but whether actions that subtract from the bottom line are carefully designed to meet legitimate immediate needs while minimizing costs in later years.

Even using this lenient standard, policymakers rate a polite C minus for the short-term. The "economic stimulus" bill enacted in March came to the rescue of an economy that was already recovering on its own. And even if a stimulus was justified as insurance, there was no need to extend the bill's costly accelerated depreciation provision for three years—well beyond any immediate need. Moreover, the assumption that the depreciation break will be allowed to "sunset" in September of 2004—two months before Election Day—is absurd. This provision will likely become a permanent new tax break at a cost of around \$200 billion over the next decade.

As for spending, President Bush acknowledged in his Budget Message that the government "will have new bills to pay." Paying these bills is not fiscally irresponsible. What is fiscally irresponsible is refusing to make trade-offs or using the current crisis atmosphere as a smoke screen for a generalized spending spree. Particularly susceptible to unscrutinized growth are the defense budget and the new loosely defined category of homeland security. Unfortunately, the President's budget proposed very few trade-offs and Congress has shown no inclination to accept any of them.

The appropriations process is just getting started so it cannot be said that the short-term situation has turned into a fiscal rout. But the signs are not promising. Congress has failed to adopt a budget resolution, failed to agree on FY 2002 supplemental spending, failed to extend expiring budget enforcement mechanisms, and failed to deal with the statutory debt limit in a timely or straightforward manner. Finally, the specter of "rosy scenario" is back, with the Administration (OMB) and the House using baseline projections that are more optimistic than CBO numbers by \$35 billion in 2003 and \$180 billion over the next five years. If these issues are not resolved quickly the result

could be a huge year-end omnibus appropriations bill—in other words, fiscal chaos.

#### MEDIUM-TERM GRADE: D

More harmful than the return of budget deficits in the short-term is the fact that President Bush and Congress have done very little to prevent deficits from extending well into the decade. The rapid disappearance of the projected \$3.1 trillion 10-year non-Social Security surplus should be a yellow light of caution for policymakers advocating further tax cuts and new entitlements. But their response has been to step on the gas. The Concord Coalition gives Washington policymakers a medium-term grade of D.

The new farm bill, if graded alone, would surely warrant an F. The bill increases spending by \$86 billion over 10 years and reverses the attempt under the 1996 Freedom to Farm Act to get away from Depression-era farm subsidies that distort markets, burden taxpayers, and harm the environment. Instead, subsidies are extended for major crops while new ones are created. The farm bill is a textbook case of an entitlement that survives because it is politically attractive, not because it is good policy.

Much more expensive than the farm bill are various proposals to add a prescription drug benefit to Medicare and delay or cancel scheduled reductions in provider payments. Last year, Congress set aside \$314 billion in a reserve fund for Medicare expansion. This year, despite a drop of nearly \$4 trillion in projected surpluses, the House budget resolution and the Senate Budget Committee plan (not yet considered on the floor) increase Medicare set asides to \$350 billion and \$500 billion respectively.

Adding a prescription drug benefit to Medicare, without comprehensive cost-saving reform, would not only pressure the budget in the medium-term but would make the program's long-term funding gap even wider. None of the respective plans conditions new money on such reform. Moreover, other entitlement expansions have been proposed. Overall, the Senate Budget Committee plan allows for an increase in entitlement spending of nearly \$670 billion.

The series of escalating tax cuts enacted last year is also poised to drain the budget over the medium-term by \$1.6 trillion. The phased-in nature of these tax cuts, and the "sunset" provision that cancels them all in 2010, give policymakers a valuable opportunity to reprioritize in view of new circumstances by permanently extending some of the tax cuts and delaying the effect of others until a non-Social Security surplus is achieved again. Unfortunately, the Administration and the House leadership have been pushing to lock in the entire package of tax cuts at a cost of nearly \$400 billion over 10 years. They have also proposed new tax cuts even as they call for higher spending on defense, homeland security, and Medicare. It is a recipe for sustained deficits.

Such imprudence is compounded by attempts to obscure the full budgetary effects of fiscal decisions. This year saw the return to five-year budget plans by the Administration and the House. By itself, this development is not problematic. However, last year's tax plan was based on highly uncertain 10-year projections, and its huge costs come at the end of the 10 years. The shift now to a shorter budget window seems designed mainly to disguise those costs.

Finally, the medium-term outlook is threatened by the absence of any mechanism, procedural or rhetorical, for defining and enforcing a fiscal policy goal. Both parties' pronouncements about the inviolability of the Social Security surplus are long forgotten. While the respective budget plans of the Administration, House, and Senate

Budget Committee all contemplate the return of surpluses no later than 2005, none of them would produce a non-Social Security surplus before 2012. Meanwhile, the discretionary spending caps and the PAYGO rules of the 1997 Balanced Budget Act expire this year. Without any markers for discipline, politicians have little incentive to scale back budget busting promises. Instead, they have shown a troubling comfort with using the Social Security surplus to either offset tax cuts or expand other government programs—new entitlements have even popped up in the trade and defense authorization bills.

#### LONG-TERM GRADE: D -

Rampant denial is the best way to describe Washington's response to the long-term fiscal challenge. While much has changed in the past year, two things remain depressingly consistent—the unsustainable path of long-term fiscal policy and the unwillingness of most political leaders to do anything about it. Concord's grade for the long-term is a D minus.

While President Bush campaigned on the need for Social Security reform, he has not followed through with a specific proposal. At his request, the commission he appointed last year did not produce a recommendation but instead came back with three illustrative models for adding personal accounts to the system. Two of the plans contained explicit provisions to improve the fiscal sustainability of the program, which personal accounts alone do not. Even though these provisions were designed to avoid any impact on current beneficiaries, political leaders of both parties reacted with horror, and the Administration has kept the commission's report firmly planted on the shelf.

Social Security has been reactivated as the third rail of American politics—touch it and die. Without any plan of their own, many Democrats have restored to scare tactics by accusing Republicans of having a "secret plan to privatize Social Security." For their part, many Republicans implausibly insist that personal accounts can be added to the current system without costing anyone anything.

Neither party is discussing the tough choices that are needed to make the program sustainable over the long-term. Instead, they are jockeying for short-term political advantage by offering free lunch solutions that rely on such diversions as an imaginary "lockbox" or meaningless benefit guarantee certificates. Regardless of the long-term challenge, the House even voted 418-0 for a small benefit expansion.

The demographic and fiscal challenges go well beyond Social Security. Medicare poses an even more difficult challenge. Together, Social Security, Medicare and Medicaid are expected to double as a share of the economy by 2030.

It will take a combination of fiscal discipline and cost saving reform to put Social Security and Medicare on a sustainable path for all generations. Washington policymakers are not pursuing either strategy. They are pursuing The Do Nothing Plan, which ultimately leads to crushing debt, burdensome taxes or broken promises.

#### OVERALL GRADE: D

Good policy and political expediency are often at odds, but so far in 2002, politics is trouncing policy. Surpluses "as far as the eye can see" have vanished, yet policymakers remain intent on delivering more government spending—including entitlement expansions—and more tax cuts. With the midterm elections looming, no particular fiscal goal in place, and no procedural mechanisms to rein in spending, Congress is reverting to its old "spend and borrow" habit.

Worse, the debate on how to finance the unfunded retirement costs of the coming demographic transformation has dramatically degenerated from an already low level.

Congress and the Administration can still re-establish fiscal discipline this year. But they cannot do so unless they confront the hard choices. Deficits are back and it is time to close the budget bazaar.

#### THE MYSTERY OF THE DISAPPEARING FY 2002 SURPLUS

(In billions of dollars)

January 2001 CBO Baseline Unified Surplus Projection .....	313
Changes:	
Tax act w/interest .....	-42
New Spending w/interest .....	-49
Economic and Technical w/interest .....	-242
Total Change .....	-333
January 2002 CBO Baseline Unified Deficit Projection .....	-21
Re-estimate in CBO Baseline since January 2002 .....	+26
Economic Stimulus Package (P.L. 107-147) .....	-51
Farm Bill Outlays: (P.L. 107-171) .....	-2
Supplemental Outlays: (H.R. 4775) <sup>1</sup> .....	-8
Lower Than Expected Tax Receipts .....	-75
Debt Service .....	-2
Total Change .....	-112
Tentative FY 2002 Unified Deficit .....	-133
Tentative On-Budget Deficit .....	-290
Tentative Off-Budget Surplus .....	157

<sup>1</sup> The Senate Appropriations Committee version of the bill, S. 2551, is slightly higher.

Note: Numbers may not add due to rounding.

#### FISCAL FACTS

(Dollars in billions)

CBO March Baseline: Fiscal Years 2003-2012:	
Projected Unified Surplus .....	\$2,380
On-Budget Deficit .....	-102
Off-Budget Surplus .....	\$2,483
Percentage of Surplus in First Five Years .....	21%
Percentage of Surplus in Last Five Years .....	79%
Percentage of Surplus in Last Two Years .....	47%
Discretionary Spending:	
Average Annual Growth Rate Assumed in CBO Baseline .....	2.6%
Average Annual Growth Rate 1998-2002 .....	7.6%
Decrease in Surplus if Spending Continues to Grow at 7.6% .....	-\$2,719
Decrease in Surplus if Spending Grows at the Rate of GDP (5.3%) .....	-\$1,442
Change in Projected Surplus Over the Next 10 Years Since January 2001:	
Causes of Reduction in Surplus (As a Percentage of Decrease):	
Tax Cuts .....	42%
Economic and Technical Changes .....	40%
Increased Spending .....	18%
National Debt: <sup>2</sup>	
Gross Debt .....	\$6,019
Increase over the past year .....	\$363
Debt Held by Public .....	\$3,433
Increase over the past year .....	\$157
Intergovernmental Debt .....	\$2,585
Increase over the past year .....	\$206
Net Interest on National Debt in FY 2001 .....	\$206
Net Interest as a Percentage of the Budget in FY 2001 .....	11%

<sup>1</sup> Includes costs of increased debt service.

<sup>2</sup> As of May 31, 2002. Note: The gross debt figure of \$6.019 trillion exceeds the statutory debt limit of \$5.950 trillion because a small portion of the gross debt is not subject to the debt limit.

Mr. MCCAIN. This amendment by Senator GREGG and Senator FEINGOLD is an effort to at least pose some kind of fiscal brakes, caps, that have worked fairly well in the past—not perfectly. But I also worry that without the enactment of this amendment, we may find ourselves continuing this hemorrhaging of spending, which is really quite almost unprecedented in the time that I have had in Congress.

In the name of the war on terrorism, we are now endangering the financial future of this Nation, and every spending issue seems to be somehow related to the war on terrorism. And clearly it is not.

I congratulate the sponsors of this amendment. I look forward to voting for it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Arizona. I am delighted to have his support on this important amendment.

Madam President, I yield 4 minutes of my time to the distinguished Senator from Ohio, Mr. VOINOVICH, who is a cosponsor of the amendment as well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today in support of the Gregg-Feingold amendment.

I realize that some of my colleagues will say that this is not the right time or place to consider budget process reforms. I strongly disagree. In fact, I wonder if my colleagues realize how bad the budget situation has become.

According to the most recent calculations from the Senate Budget Committee, the budget outlook has swung dramatically in the past year. Last year, CBO predicted a \$313 billion surplus for fiscal year 2002. Now, instead of a surplus, we face a tremendous deficit. We will borrow and spend the entire \$163 billion Social Security surplus and on top of that we are going to have to borrow an additional \$137 billion from the private markets. To sum it up, we are going to borrow \$300 billion in the 2002 budget.

This is new debt, on top of the staggering \$6 trillion debt we already owe. The budget outlook for fiscal year 2003 is just as bad. The way things look now, we will borrow and spend the entire \$179 billion Social Security surplus projected for next year. And on top of that we will have to borrow at least another \$100 billion to fund the Government next year.

Some people might think a surge in economic growth is going to bail us out of our budget problems. It won't. These skyrocketing deficit figures are based on CBO's assumption that the economy will grow by 5.4 percent next year. If that does not happen, the 2003 budget deficit is even going to be worse. My point is: these deficits will not go away on their own. We must prioritize. We must make hard choices. Unfortunately, our record on making hard choices is not encouraging. Just look at the farm bill. It speaks volumes about the lack of fiscal discipline in this body. We need to put our foot down and recognize the obvious. In order to be fiscally responsible we have to live within our means and we must rein in spending.

That is why I am cosponsoring this amendment. The amendment won't solve all our budget problems. As everyone in this Chamber knows, we regularly circumvent budget rules, and I have no doubt that we will push in some instances to do the same thing this time. Nonetheless, we need to do something. This amendment marks an

important first step to regain control. I am working with my friend from Wisconsin and other Senators on other legislation to improve the budget process. And we hope to introduce that legislation soon. But in the mean time, this amendment would help keep the national debt in check. We cannot wait. We have to act now. We have a moral obligation to our children and grandchildren. Remember, at the end of the day, it is their future we are mortgaging away.

I urge my colleagues to join me in supporting this very important amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, momentarily I am going to yield time to my colleague on the Senate Budget Committee, Senator DOMENICI. Before I do that, I want to respond quickly to something the Senator from Arizona said.

I am in agreement with virtually everything the Senator from Arizona said. I am going to be offering the budget disciplines that are expiring at the end of September after this amendment. I think it is absolutely critical, as the Senator from Arizona indicated, that we continue those budget disciplines. It would be a profound mistake in this country to let those lapse.

But I say to my colleagues, the amendment being offered by the Senator from New Hampshire, the Senator from Wisconsin, and others, I believe, has enormous loopholes in it, such that would actually make our circumstance worse rather than make them better.

Madam President, I hope my colleagues are listening. Under the current pay-go law, if mandatory spending or tax cuts would increase the deficit, it triggers a sequester at the end of the year. Under this amendment, it would allow projected surpluses—hear me; projected surpluses—to be used to pay for additional spending and more tax cuts, without triggering a sequester.

Are colleagues listening? They are talking about fiscal discipline, and they are backing an amendment that would impose fiscal discipline based on projections? We tried that before. It did not work because what we got were gimmicks and rosy projections.

My colleagues are well intended. I am absolutely on their side with respect to the fundamental question of fiscal discipline. But this amendment, I believe, opens a major loophole because it is based on projections rather than real results.

How much time does the Senator from New Mexico want?

Mr. DOMENICI. Is the Senator short on time?

Mr. GREGG. Will the Senator yield on that point?

Mr. CONRAD. I yield 5 minutes to the Senator from New Mexico, and then I would be happy to engage the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I hope I do not use that much time.

In the end, after I am through analyzing it, I am not going to vote with the proponents. I am going to vote against the waiver that is before us and return us to the position we were in before this amendment, if it had passed.

First, I want to, nonetheless, congratulate Senator GREGG and Senator FEINGOLD on their amendment. I think I understand why they have offered this amendment on this supplemental bill.

The amendment was offered in the Senate Budget Committee back in March, and it failed by a tie vote. But it probably would not have mattered if it had been added to the Senate Budget Committee reported resolution because, of course, the Senate has not yet considered a budget resolution, and it certainly has not considered that one.

This brings us to my second point. The failure to adopt in the Senate a budget resolution, let alone a conference on a budget with the House, has put the Congress in a unique position of not having a budget for the first time in 27 years. The one time we did not achieve a conference agreement between the House and Senate, in 1998, we nevertheless did add a so-called deeming resolution in the Senate so that the process could proceed based on a Senate-passed budget resolution in that year. We are now seeing the problems of not having any blueprint. Whether it is good or medium or not so good, we are not going to have any blueprint, and I fear as we proceed through the summer and the fall that the problems will only increase, not decrease.

I don't think I am overstating it when I say the budget process in Congress is hanging by a thread. There are some here who might say "good riddance," but with no budget resolution, no spending limits, no way to set priorities, not even some indication that we are interested in fiscal discipline, those who would do away with the budget process will live to regret the direction in which we seem to be headed and what it will yield.

That is why, absent a good and agreed-upon budget for next year, particularly as it relates to the level of appropriations I have been pressing for, at a minimum, a fiscal year 2003 spending cap, extension of expiring Budget Act enforcement provisions, including certain points of order, and other provisions that will maintain some discipline throughout the year, that is the way of supporting a major portion of the amendment you plan to offer if this one does not pass. That does not mean I approve of all of them, but they are among the provisions I think we must have if we are going to have any kind of enforcement.

I have been working with the chairman of the Budget Committee, the chairman and ranking member of the Appropriations Committee, and our leadership to develop an amendment that would provide for this needed discipline. At this time, it is unclear that



we will be able to offer this amendment or if it would have the 60 votes needed to waive the Budget Act in order that it be raised because it, too, would require a hearing before the Budget Committee and a report to escape the 60-vote requirement.

This brings me to the Gregg-Feingold amendment. Absent an alternative, I support their amendment in order to lay down a marker to establish some discipline absent a budget resolution in place. But at this time I cannot support a waiver of the Budget Act.

There are parts of their amendment with which I disagree. I am not sure we need 5-year spending caps if we are not going to have a budget resolution. I don't agree with the procedure that is being recommended in the amendment to remove provisions from an appropriations bill in a rifleshoot manner. But, in general, except for the 5-year spending caps and the individual appropriations procedures, their proposal captures the major provisions of extending the pay-go provisions and the Budget Act points of order that expire this year.

Again, I prefer to continue to work on an alternative 1-year cap proposal, and that is why I will not vote in favor of the Budget Act waiver that is required for this amendment. But if an alternative is not found, then the problems and the chaos I portend for this summer are certain to prevail in this Chamber. Maybe we still have a little time to correct it before it ends up as what I have just predicted.

I thank those who have spent a lot of time trying to figure out what to do. It is difficult. In conclusion, the reason I will not vote for this is that there is \$36.8 billion more in spending than the President's total appropriations, \$26 billion less in Defense appropriations, and \$63 billion more in other mandatory spending.

I yield the floor and thank the Senator for graciously yielding me 5 minutes.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from North Dakota.

Mr. CONRAD. I thank the distinguished ranking member of the Budget Committee. I agree with every word he said. We have a budget process that is hanging by a thread. That is exactly right. We desperately need to put in place the budget disciplines that can allow us to keep the spending from spinning out of control as we go into the budget process.

The amendment by the Senators from Wisconsin and New Hampshire, which is completely well intended, will not accomplish the result they seek. I believe that is the case because it is dependent upon OMB projections of surpluses. We tried that. It didn't work. Why didn't it work? Because what occurred was a rosy scenario.

I put up the chart for 1990. They said the deficit was right on target. It was going to be reduced to \$100 billion. It wasn't reduced to \$100 billion. It was

\$221 billion. Let's not have a massive loophole like that put back into the budget law of the Congress.

I yield the floor and retain the remainder of my time.

Mr. KERRY. Madam President, the amendment before us, the Gregg-Feingold-Chafee-Kerry Budget Enforcement Act of 2002, is critical to restoring a sense of fiscal responsibility to the congressional budget process. I urge my colleagues to support it.

The amendment reinstates and extends for 5 years the caps on discretionary spending, keyed to the levels in the Senate Budget Committee-passed budget resolution. The caps are scheduled to expire at the end of fiscal year 2002. The amendment also reinstates and extends for 5 years the pay-as-you-go rules for tax cuts and entitlement changes. The pay-as-you-go rule would apply to legislation which increases the non-Social Security budget deficit. The rule would not apply when the budget is running a surplus outside of Social Security. Sixty-vote points of order and the threat of sequestration would continue to provide enforcement for both the discretionary caps and pay-as-you-go violations.

To guard against budget evasions, the amendment would shut back-door ways around the caps and pay-as-you-go enforcement by requiring 60 votes to change the discretionary caps, alter the balances of the pay-as-you-go scorecard, or direct scorekeeping. All emergency designations would require 60 votes.

I was one of the first cosponsors of the Gramm-Rudman-Hollings deficit reduction legislation in the late 1980s. I understand the importance of fiscal responsibility and budget discipline. The discretionary caps and PAYGO rules have helped impose a sense of fiscal discipline since they were first enacted in 1990. Budget enforcement mechanisms played a key role in stemming the tide of runaway deficit spending. As individuals such as Federal Reserve Chairman Alan Greenspan and former Treasury Secretary Robert Rubin have recognized, the benefits of spending and fiscal restraint are enormous. The remarkable turn-around in the Federal budget during the 1990s contributed to a virtuous cycle of lower inflation, lower interest rates, and higher economic growth.

Unfortunately, the budget enforcement mechanisms are scheduled to expire this year. As the Concord Coalition has noted, it would be particular ironic and careless to let the caps and PAYGO rules expire just when the budget is plunging back into deficit. Our bipartisan amendment would prevent that from happening. It will also encourage a discussion of the tough choices that must be made, regardless of procedural mechanisms, to restore fiscal responsibility.

As quickly as surpluses appeared, they have disappeared. We must not allow ourselves to return to the previous days of cutting taxes, increasing

spending, consuming the Social Security surplus, and running up debt. Beginning in 10 years when the Baby Boomers retire, Congress will face huge unfunded retirement and health care costs. Congress and the President lack a strategy for dealing with these liabilities or for returning to budget balance. Our amendment represents a crucial step for reversing a rapidly deteriorating budget outlook. Formal budgetary restraints are needed to balance the competing claims on the Federal budget.

Some opponents express concern that the amendment would place overly restrictive limitations on appropriations. Others outright suggest that the legislation will result in domestic appropriations cuts. In reality, the legislation fully funds the appropriations levels requested in the Senate Budget Committee-passed budget resolution. The amendment exceeds the spending levels requested by the President, allow for more spending on education, health care and other priorities. For fiscal year 2003, the bill would allow \$768 billion in discretionary spending. This is a figure commonly cited in current budget negotiations, and considerably higher than the House budget level of \$759 billion. If this should prove insufficient, Congress can either raise the caps or declare the spending as emergency spending to avoid enforcement consequences.

Finally, some opponents criticize the amendment's pay-as-you-go entitlements/tax rule because it allows spending or tax cuts when the government is running a surplus outside of Social Security. This exception is important because it will facilitate the funding of national priorities when the Federal Government is not facing major budgetary deficits. In addition, it allows for a more flexible response to the budget situation. It recognizes that the will for strict pay-as-you-go enforcement may not exist when government is running a substantial surplus.

Overall, the Gregg-Feingold-Chafee-Kerry Budget Enforcement Act of 2002 is an important safeguard against runaway deficit spending. It will provide an important super-majority obstacle against fiscally irresponsible tax cuts. It is flexible enough to allow spending on critical national investments regardless of the budget situation, provided there is sufficient support. Perhaps most importantly, it will force a national dialogue on priorities and reestablish deficit reduction as a strategic goal. I urge my colleagues to support the amendment.

Mr. LEVIN. Madam President, I cannot support the Gregg amendment regarding caps on annual appropriations and modifying the so-called "pay-as-you-go" provisions controlling entitlement spending and the costs of tax cut legislation. The Gregg amendment, while well-intentioned, bases budget enforcement mechanisms on unreliable budget projections by the Office of Management and Budget. If there were

an OMB projection upon which tax cuts were based, and then the projections proved overly optimistic as is often the case, Medicare and other critically important program cuts would be automatically triggered to pay for those tax cuts.

I will support an alternative budget enforcement mechanism amendment which will be offered by Senator CONRAD, the Chairman of the Senate Budget Committee which will extend rules controlling annual appropriations, entitlement spending, and the costs of tax cuts. The Conrad amendment would extend procedures which proved successful since their adoption in 1990 in eliminating deficits.

Mr. KYL. Madam President, I rise to offer support for the Gregg/Feingold amendment and urge my colleagues to vote in favor of that amendment. Fundamentally, the amendment would make two changes. First, it would extend discretionary spending caps for five years, and second, it would make legislation that fails to pay for itself with appropriate offsets subject to points of order and mandatory enforcement mechanisms.

Although I appreciate the assurances that an alternative scheme for budget enforcement will be offered if this amendment is defeated, I remain concerned that the vote on this amendment will provide the only opportunity to ensure real fiscal discipline after the current protections expire later this year.

The spending levels provided for in this amendment are more than generous. In fact, I would prefer to see the caps keyed to the spending levels in the President's budget, rather than to those set forth in the budget resolution reported by the Senate Budget Committee in March. But that is not the choice before us. The choice before us is whether there will be any limits at all on spending and whether there will be any enforcement mechanisms to restrain spending.

If we head into this year's appropriations process without any such tools, we will set the stage for a monumental dereliction of duty. The sky will be the limit in terms of spending. Any notion of priorities in wartime will be cast aside. All of the rhetoric about ensuring that Social Security Trust Fund surplus revenues be held sacrosanct will be rendered hollow. This amendment provides a means, however imperfect, of keeping us focused on trade-offs and priorities. Accordingly, I urge the waiver of the Budget Act and the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. What is the present status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 4 minutes; the Senator from Wisconsin, 6 minutes; the Senator from North Dakota, 8½ minutes.

Mr. GREGG. Madam President, let me respond quickly to the comments

made relative to the technical aspects of the amendment. First, I am impressed that it has received such adulation but so little support. The Senator from New Mexico, whom I immensely respect, said it is a wonderful idea except for a couple little points but he thinks it might be a good marker. The Senator from North Dakota appears to be saying essentially the same thing with a little more intensity. I am glad we have put something out here that appears to be pretty close to what we need.

Why do we need it? We need it because without any budget disciplines in place, we will be in serious trouble as we move down the road, as was highlighted by a number of speakers. We need to have something in place that we can look to at least to give us some guidance, some signposts.

On the issue of pay-go, obviously you don't need pay-go if you are in surplus. It makes no sense to have pay-go if you are in surplus. In fact, we have shown that every time we have been in surplus, with the last appropriations bill coming out across the floor, we have basically put a hold on or stopped the application of pay-go.

This bill makes it very clear. The language says:

There shall be no sequestration under this section for any fiscal year in which a surplus exists.

It is very specific. There must be a surplus in order for pay-go to be withdrawn. But if there is not a surplus, clearly pay-go exists, and it is available.

How do you find out if there is a surplus? You have to have scorekeeping, and that is the way we work around here. We have scorekeeping for lots of spending.

Rosy scenarios, I seriously doubt it. In fact, I suspect just the opposite is going to be the case for the next few years. That is a bit of a straw dog. Nobody is projecting any surpluses. I point to the chart of the Senator from North Dakota. He is not projecting any surpluses out there. Nobody else is for the foreseeable future. It is important we have pay-go in place during this period of that red ink.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I would like to respond to some of the arguments of the chairman of the Budget Committee as well.

The chairman argues that what Senator GREGG and I are proposing is new and radical. In large part what we are doing is merely extending the Budget Enforcement Act of 1990. Let me tell my colleagues what would be radical: If we go through this process without any budget rules at all. Based on my 10 years here, that would be radical and dangerous and harmful to Social Security and to the future of our budget. As far as I am concerned, we are on the precipice of going back to the bad old 1980s in terms of the budget process.

This is a good-faith, bipartisan effort to try to keep some rules in place.

The chairman speaks, fairly, of course, with great knowledge about the new deficits and the new problems we face, especially in the last couple of years, especially since 9-11.

Let me remind everyone that we used the chairman's numbers, not pre-9-11 numbers, but his post-9-11 numbers, with regard to his 5-year scenario. That is what this is based on. It is based on our knowledge about the tragedy and difficulties that occurred.

I find it hard to understand when the chairman argues for flexibility that somehow Senator GREGG and I don't recognize the need for flexibility. He, too, apparently, if we don't prevail, intends to offer caps. He intends to offer limits. The fact is that the chairman acknowledges that even in difficult times such as these, there have to be rules and there have to be limits.

There is nothing irresponsible about proposing limits even in difficult times, such as a war against terrorism. In fact, I argue that the worst that can happen, at a time when we are fighting terrorism and other crises in the world, is to have no rules at all. Then it is more likely that legislation such as the farm bill will pass with unlimited amounts of inappropriate action and provisions. Some of the provisions in the energy bill and some in this bill are more likely to happen with no rules at all.

For the sake of our national security, for the sake of the fiscal integrity of our country, at this time it is more important than at any other time that we have some rules and procedures so the American public can know we are wisely using their tax dollars to proceed with this war against terrorism, and to protect them, and that we are not using it for pork projects at home.

The chairman complains that our amendment would not have budget enforcement at times when we are running a surplus without counting Social Security. Yet his idea guarantees us no discipline at all. I wish him well if we end up going with his amendment and considering that, but, obviously, I hope ours prevails. There is no guarantee. Defeating this amendment would leave us with no enforcement at all if these current rules expired in September, as they are expected to do. He says we only have constraints on spending. We followed the same constraints on taxes as they exist in current law. Taxes and entitlements are constrained in our amendment, as well as by the pay-as-you-go procedure.

He also seeks to argue that somehow we are doing something different or something radically inappropriate with regard to the OMB. The amendment gives the OMB the job of calculating whether we have complied with the caps or the pay-as-you-go discipline. But this is exactly as it has been since 1987. Nothing is new about this provision.

When Congress first enacted the Gramm-Rudman-Hollings bill in 1985, it

gave the job of calculating compliance to the Comptroller General, head of the General Accounting Office. But the Supreme Court ruled, in 1986 in the case of *Bowsher v. Synar*, that Congress could not constitutionally give that power to anybody outside of the executive branch of Government. That is why we do it. That is why Congress gave the job of calculating compliance to the OMB in the rewriting of the budget laws and continued that process in the 1990 Budget Enforcement Act. This argument doesn't hold water. Our amendment merely continues the same rule for the OMB.

As to the chairman's argument that we erred by not requiring pay-as-you-go enforcement in times of budget surplus, we disagree as a matter of policy. We believe that when the Government is taking in more tax revenues than it needs to fund existing programs, even after putting all Social Security surpluses aside, then it is altogether appropriate for Congress to consider fiscal choices, such as updating Medicare to include a prescription drug benefit. Do we want a 60-vote requirement in times of surplus to provide the American people with a prescription drug benefit? I hope not. If you are listening to your constituents, they desperately need this. So that doesn't seem to be appropriate.

Finally, I think this is a critical test on this vote. Are we serious about protecting Social Security, even in these difficult times? Are we going to go forward with no rules and continue down the road we are heading in—the road of a \$100 billion deficit already? Especially after 9–11, the American people have a right to know that we are being especially careful with their dollars, that we can track it, and that they can follow the caps and the rules and enforcement procedures to see if we are doing their bidding and if we are truly putting our priorities straight—with the war on terrorism at the top, but also guaranteeing the safety and security of Social Security, which is very dear to them.

I yield my time.

Mr. CONRAD. Madam President, let me respond to the Senator from Wisconsin. The alternative is not their proposal versus no rules. That is not the alternative. I will offer an amendment that will extend the supermajority enforcement of budget points of order that extends the Budget Enforcement Act provisions—all of them—and that restores the Senate pay-go rules—in fact, toughens them. That is the alternative: serious budget discipline versus the proposal before us by Senators who are absolutely well intentioned. They have the diagnosis right, which is that we have deficit and debt problems, but their solution takes us back to a provision that did not work in the past and will not work in the future.

Have we forgotten 1990? When you base budget discipline and enforcement on projections, you are basing your dis-

cipline on quicksand. What could be more evident? In 1990, the Office of Management and Budget told us we were meeting our deficit projections, that the deficit was only going to be \$100 billion. It turned out to be \$221 billion because the whole budget discipline process was based on projections.

That is what this budget proposal does. It won't work. It didn't work then; it won't work now. It is absolutely misleading and will take us down a road not to budget deficits, through budget deficit elimination, not to reduce debt, but to more gimmicks, more game playing, more rosy scenarios.

After this amendment I will offer an amendment that has real budget discipline.

I retain the remainder of my time.

Mr. GREGG. Madam President, what is the status on the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes. The Senator from North Dakota has 6 minutes.

Mr. GREGG. Will the Senator allow us to close since it is our amendment? I will yield our last 2 minutes to the Senator from Washington.

Mr. CONRAD. The Senator has used his time, and I am going to use mine.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield to the Senator from Washington 1 minute 45 seconds.

Ms. CANTWELL. Madam President, I rise today in support of the Gregg-Feingold amendment. The premise underlying this amendment—and its extension of the budget enforcement procedures—is that we as a body must be fiscally responsible.

We have real responsibilities and real priorities on which we have to make decisions, but we also must have fiscal discipline. In order to accomplish this it is important for us to have a framework by which this body can make these fiscal decisions.

This amendment helps us at a time when we have seen a surplus of \$5.6 trillion over ten years disappear and turn into a \$2.7 trillion deficit. And we know that the current deficit is a result of last year's tax cut, the recession, and the tragic events of September 11, 2001.

Having spent time in the private sector, I can tell you this: No private sector organization thinks it can spend its way out of problems; nor can we as a country.

I believe one of the most important actions we can take for the nation's future economic stability, is to pay down the national debt. According to Chairman of the Federal Reserve Board, Alan Greenspan, paying down the national debt lowers interest rates and keeps the capital markets and investment going. In January, he told the Senate Budget Committee that one of the reasons long-term rates have not come down is the sharp decrease in the surplus and the diminishing prospects for paying down the debt.

Our total budget must be crafted within the need to maintain fiscal discipline, and stimulate economic growth through continued federal investment in education and job training, while also protecting the environment. Furthermore, we need to invest in our nation's economic future by making a commitment to public research and development in science and technology—maintaining our status as a global leader.

It is a balance. We need to make these investments, but within a framework that ensures we don't spend beyond our means. If we want our economy to be strong, if we want revenues, and if we want to make the right decisions, we need to keep paying down the debt.

We must have fiscal discipline in budget and appropriations process. We cannot focus solely on the individual items and programs in our budget, but must look at the whole picture. The budget enforcement procedures help us do this, and help us keep a reign on our spending. These procedures worked successfully as we struggled to get out of deficit spending in the 1990s, and they will work as we struggle to get out of the current recession and deficit financing.

The PRESIDING OFFICER. The Senator has used her time.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Madam President, I hope people are listening and paying very close attention. There is a lot at stake in the series of votes that are going to occur. The Senators have made the case that we are back in an era of budget deficits. I say to them, I warned our colleagues that is where we were headed. I did not do it this year. I did it last year. And I begged our colleagues not to go down the road that was taken. I warned them that we would be back to raiding Social Security, Medicare, and every other trust fund in sight, but they cast all caution aside and went down that road.

Today there is a fundamental question of whether or not we are going to have budget disciplines in place as we go through this year's appropriations process. I will offer an amendment that extends those budget disciplines. Every colleague is going to have a chance to be recorded as to whether or not they want budget discipline.

The amendment before us has very serious defects. It is not the budget disciplines that worked in the nineties that helped us get back on track. It is not those. It is a new scheme, and it is a scheme that has an enormous loophole. The loophole is that discipline is based on projections of what is going to happen.

Have we learned nothing? Last year, we were told there was going to be \$5.6 trillion available in surplus over the next decade. That was a projection. Do you know what it is now? Nothing. Zero. The money is all gone. Let's not base budget discipline on projections.

Does the Senator from New Mexico seek time?

Mr. DOMENICI. Yes, I would like 2 or 3 minutes.

Mr. CONRAD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 50 seconds.

Mr. CONRAD. I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank the Senator. I failed to call him chairman. He has been chairman for 6 more months. In any event, we wish the Senator well next year in whatever capacity.

I wish to discuss not so much the amendment because I have explained why I do not think we should waive the Budget Act. We have to do better in trying to put discipline into what is currently a totally undisciplined situation with reference to goals and priorities.

Appropriations will have no responsibilities on the various bills. There will be no total dollar number that flows. This amendment will not help that.

I close my few remarks talking about, once again, the mistake we are making—and we are making it for whatever reason—in not passing a budget resolution. I am not filled with acrimony, but I do believe that in the over 27 years of serving, I felt a responsibility to get a budget, and actually we could have gotten a corner after an extremely tough year 3 years ago and said: Let's not do it. The Senator from New Hampshire could have been with me trying to keep discipline in this process. We could have said: Let's not do a budget resolution. It did some good. Some people are saying it did not.

I would personally look at the area of entitlements and how many had caps which precluded passage of more than we spent. It is the same on appropriations. Obviously, there is friction against those two institutions, but we did some good.

We happened to budget based upon an extremely powerful American economy which was with us for 10 years, and we got clipped in the 11th and 12th year when the economy did not stay strong. That is all that happened.

If we could have kept the budget resolution, it would have forced it or would have done something better, and we would probably be right back to moving close to a balanced budget in the next 5 years. I am not sure we are going to get there without something like a budget resolution, something to shoot with each year.

That is why I am saying we ought to do better than the Gregg amendment. He is on the right track. Maybe we can include him and his cosponsor with a group of us trying to do a little bit better.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, would you alert us as to the time situation?

The PRESIDING OFFICER. The Senator from North Dakota has 50 seconds. The Senator from New Hampshire has 15 seconds.

Mr. CONRAD. Madam President, in conclusion, I agree absolutely with what motivates the sponsors of this amendment. We need budget disciplines. I will offer those as a package, all of the budget disciplines—every one; in fact, a strengthened pay-go provision—after we dispose of the amendment that is before us.

Madam President, I say to my colleagues, I believe the amendment before us has a giant loophole, unintended I am sure, but it is based on projections, not real results. We have seen what happens with that kind of budget approach.

I go back again to 1990 when we had a similar scheme in place based on projections from the Office of Management and Budget.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. CONRAD. Madam President, does the Senator from New Hampshire still have time?

The PRESIDING OFFICER. Fifteen seconds.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank my colleague from Wisconsin and my other cosponsors for offering this amendment. This amendment is going to be our best opportunity to put in place long-term, effective budget enforcement mechanisms. There are no significant loopholes in this amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of that act for the consideration of the pending Gregg-Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I wonder if Senators will permit me to speak for 30 seconds on another matter?

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

Mr. DOMENICI. Madam President, I am sending an amendment to the desk. If I can have the attention of Senator CONRAD, I am sending a copy of the amendment he is going to propose following the disposition of this amend-

ment, if we defeat it, so Senators can look at it and we can get rid of some delays. They can study it during the next 30 minutes or so.

Mr. CONRAD. Is the Senator filing the amendment?

Mr. DOMENICI. I am sending it to the desk so anybody who wants to may look at it. If the Senator has concerns, I will not do it.

Mr. CONRAD. I will be constrained to object because I am told Senator BYRD would object if he were here. But I am very hopeful we can accomplish that same purpose momentarily.

Mr. DOMENICI. I do not want to argue, but I am not sending an amendment to be operative. I can put in a letter. If I want somebody to look at a proposed bill, why would anyone object?

Mr. CONRAD. No one will object to that.

Mr. DOMENICI. I am sure they cannot if they wanted to. It is not intended as anything other than for Senators to look at. If they are interested in how we might fix this situation, they might look at what is being recommended by the chairman.

I thank the chairman.

Mr. CONRAD. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

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

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 133 Leg.]

#### YEAS—49

Allard	Feingold	McConnell
Bayh	Fitzgerald	Miller
Bennett	Frist	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Gramm	Nickles
Burns	Grassley	Roberts
Cantwell	Gregg	Santorum
Carper	Hatch	Sessions
Chafee	Hutchinson	Shelby
Cleland	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kyl	Thomas
DeWine	Lieberman	Thompson
Edwards	Lott	Voinovich
Ensign	Lugar	
Enzi	McCain	

#### NAYS—49

Akaka	Campbell	Domenici
Allen	Carnahan	Dorgan
Baucus	Clinton	Durbin
Biden	Cochran	Feinstein
Bingaman	Conrad	Hagel
Bond	Corzine	Harkin
Boxer	Daschle	Hollings
Breaux	Dayton	Inouye
Byrd	Dodd	Jeffords

Johnson  
Kennedy  
Kohl  
Landrieu  
Leahy  
Levin  
Lincoln  
Mikulski

Murray  
Nelson (FL)  
Reed  
Reid  
Rockefeller  
Sarbanes  
Schumer  
Specter

Stabenow  
Stevens  
Thurmond  
Warner  
Wellstone  
Wyden

## NOT VOTING—2

Helms

Torrice

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3764

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

Mr. MCCAIN. I object. I want the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3764.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting “and” before “312(b)” and by striking “, and 312(c)”; and

(B) by striking “258C(a)(5)”; and

(2) in subsection (d)(3)—

(A) by inserting “and” before “312(b)” and by striking “, and 312(c)”; and

(B) by striking “258C(a)(5)”; and

(3) in subsection (e), by striking “2002” and inserting “2007”.

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

“(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.”

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended

(1) in the matter before subparagraph (A), by striking “2002” and inserting “2007”; and

(2) by striking subparagraphs (C), (D), (E), and (F); and

(3) by redesignating subparagraph (G) as subparagraph (C).

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking “2002” and inserting “2007”; and

(B) in subsection (b), by striking “2002” and inserting “2007”.

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking “2002” and inserting “2007”.

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, this amendment is to provide the fiscal discipline that I think we all seek, at least the framework for it.

This amendment extends the supermajority enforcement of budget points of order. It extends the Senate's 60-vote Budget Act points of order for 5 years. These points of order, including points of order that protect Social Security—

Mr. REID. Will the Senator yield without losing the floor?

Mr. CONRAD. I am happy to yield.

Mr. REID. I would like to say—the Republican whip is on the floor and the Republican leader—when this amendment is completed, we will go back to the procedure we have always followed. If there appears to be no disagreement, we will have a Democratic amendment and Republican amendment and go back and forth.

Mr. NICKLES. If the Senator will yield, I appreciate that because there is some angst on our side. People thought we were in line to do an amendment. I appreciate your accommodation with the recognition, and we will have an amendment ready when we conclude this amendment.

Mr. REID. The last two amendments have been offered by both Democrats and Republicans, but this is offered by a Democrat, so we will go to a Republican. The leaders have agreed on that.

Mr. CONRAD. Madam President, when we debated the last amendment, the point was made, and the point was made correctly, that the various budget disciplines are going to expire on September 30 of this year. That could allow budget discipline to go right out the window.

What I am offering today is a continuation of the budget disciplines that have worked—the budget disciplines that allowed us to move from deficit to surplus. It is critically important that those budget disciplines be extended. I think there is strong support in this body for that proposition.

As I have indicated, these points of order, including points of order that protect Social Security, limit total spending and total tax cuts, enforce discretionary spending limits, and committee and subcommittee spending allocations are scheduled to expire on September 30.

The Senate has had Budget Act points of order that require 60 votes to waive since 1985. But unless action is taken starting October 1, it will only take 51 votes to waive most Budget Act points of order. Only 51 votes would be required to raid Social Security, or to exceed discretionary spending limits, or to increase total spending above agreed upon levels, or to cut taxes below agreed upon levels, or to exceed committee spending allocations.

Without the extension of these 60-vote points of order, it will become much more difficult to enforce budget discipline in the Senate. Senators who favor spending, or tax cuts, or exceed agreed upon budget limits would not be deterred by the need to convince 60 of their colleagues that the limits should not apply to their proposals.

In addition, the amendment I am offering extends Budget Enforcement Act provisions. The amendment extends for 5 years the Budget Enforcement Act procedures that limit discretionary spending and requires increases in mandatory spending or tax cuts to be offset. The discretionary spending limits are scheduled to expire on September 30 of this year. The pay-as-you-go procedures that control mandatory spending and tax cuts will cease to apply to newly enacted legislation after September 30, although pay-as-you-go sequestrations will continue to apply to legislation enacted before that date.

Under the amendment, the pay-as-you-go enforcement will expire earlier than scheduled if an actual non-Social Security surplus is reported before fiscal year 2007. Although it has not been evident for the past several years, the discretionary cap and pay-as-you-go enforcement actions of the Budget Enforcement Act of 1990 have proved to be very effective tools for budget enforcement.

Let us put up the chart that shows the long-term budget surplus standards we face.

Here is the long-term relationship between spending and revenues. This goes back to 1980. The red line is the spending of the Federal Government. The blue line is the revenue. We had this very significant gap between the two—spending exceeding revenue—back in the 1980s, and that led to a quadrupling of the national debt.

In 1993, we passed historic legislation that cut spending and raised revenue to eliminate this gap between spending and revenue—to eliminate deficits and to begin to allow us to pay down debt. We did that. The lines cross. Spending went below the revenue line. And in 1997 we passed additional legislation that led to budget surpluses. The revenue line was above the spending level.

That has all changed. Now we are back to deficits. After making all that progress, after moving out of deficits into surplus, after the fiscal mistakes of last year, the President proposed a massive tax cut with a major defense buildup and said we could have it all, said we could have all of the spending and all of the tax cuts, and that we would still have surpluses. He was wrong by a country mile. Instead of surpluses as far as the eye can see, we have deficits as far as the eye can see. The question is, Are we going to reinstitute the budget discipline to provide the framework for the appropriations process?

From the time the budget disciplines were enacted through 1998, they helped to control spending, limit tax cuts, and played an important role in the dramatic turnaround in our budget circumstance.

That is what this chart shows. We lifted this country out of deficits and put it in surplus. Then, unwisely, last year, a whole new fiscal policy was put in place. That policy has plunged us back into deficits as far as the eye can see. We are going to be facing red ink throughout the entire next decade.

Without these tools which expire on September 30, it is unlikely the budget would have gone from a record total deficit of \$290 billion in 1992 to a surplus in 1998. After 1998, these enforcement tools fell victim to the unrealistic, low discretionary caps that were set in the 1997 Balanced Budget Act.

It is the reason I opposed the last amendment. It was going to repeat the mistakes of the past, put in unrealistic numbers in light of the attack on this country, and base budget enforcement on projections rather than real results.

These budget enforcement provisions are based on actual results, not projections, and don't leave us vulnerable to the office of Management and Budget going back to the rosy scenario days in which they told us there were surpluses even when that was highly unlikely.

We are back in deficit now and for the foreseeable future. We should extend and enforce the Budget Enforcement Act procedures, not let them ex-

pire and either give up on fiscal discipline or pretend there are some other procedures that might work better than these proven procedures.

In addition, my amendment extends the Senate pay-as-you-go rule. The amendment extends through 2007 the Senate pay-as-you-go point of order that prohibits surpluses from being used to pay for new mandatory spending or tax cuts.

Let me repeat that because I think it is critically important.

The pay-go provision will protect us from using Social Security money for other tax cuts or other spending. We must have this discipline put in place or else we risk losing control of the entire spending process.

I hope my colleagues will think very carefully about the circumstance we face. We have put in here the framework for budget caps. We have not put in the number for this year. We have negotiations going on right now to determine whether or not we can agree now on a number for this year. As you know, we are very close. After weeks of discussion, we were very close yesterday to agreeing on a number. Perhaps this can give us an opportunity to achieve an agreement. Even if we don't today reach agreement on what the budget numbers should be for this year, it is critically important that we put in place the budget enforcement framework. We cannot let that lapse. Even if we don't agree on a cap number for spending today, we can agree on the budget enforcement framework. We can then settle on a number if not today, sometime in the near future so that these disciplines have something to apply to.

It is critically important that this budget enforcement mechanism not be allowed to lapse. That would be a serious mistake given the fiscal condition of the country. Literally, for weeks we have engaged in good-faith negotiations with people on the other side of the aisle.

I thank Senator DOMENICI, the ranking member of the Budget Committee, and his staff. They have played a very constructive role in these discussions. That can be said of the chairman and ranking member of the Appropriations Committee as well. Senator BYRD, the chairman, and Senator STEVENS, the ranking member, have worked for many days to try to agree to a set of provisions that would allow us to provide a budget framework and to also provide for a continuation of these budget disciplines.

Unfortunately, those talks hit a bump in the road yesterday. We have a chance now to get back on track. We have an opportunity now to extend these budget discipline provisions. We have an opportunity now to agree on a budget limit, an appropriations limit for this year.

I do not know if we can agree on that in the next few hours, but perhaps we can. It would allow us, then, to go into the appropriations process with not

only the budget disciplines intact but with an agreement on what total appropriations will be for this year. That would be a very positive development. We would then have a budget for the year, and we would have the budget disciplines so that we could, with greater confidence, ensure we stay within the limits agreed to.

At the very least, we ought to put in place those budget disciplines. We ought to put in place that framework. We ought to be ready for when the negotiations achieve a result and we are able to agree on a number. We can do that today, at a minimum. It would be even better if we could agree to an amount as well. But at the very least, let's send a signal that we are not going to have chaos in the budget process.

Senator DOMENICI, the distinguished ranking member, has served on the Budget Committee for a long time. He has been chairman and ranking member. He warned us: Look, we are in uncharted waters; this is dangerous ground; we should have a budget in place.

This is an opportunity to have a budget framework so that disciplines that are set to expire on September 30 continue. This is also an opportunity to agree on a budget amount.

I very much hope that people who are discussing this issue at this moment think very carefully about what is at stake. I hope they will think very carefully about what we need to consider.

If we allow these budget disciplines to lapse, and we go into the appropriations process without an agreed-upon budget amount, it does not take much imagination to think of what could occur. We could have spending spin out of control. I do not think anybody wants that to happen. Think of the implications. Think of the signal that would send to the financial markets of this country. Think of what that could mean to the economy of this country.

We have already seen that the equity markets are extremely vulnerable. We have already seen the stock market go down 200 points in a day. If the markets got the sense that we were not going to take serious action on the budget deficits that now confront the country, that could further destabilize equity markets and put us in an even more vulnerable position.

(Mr. CARPER assumed the chair.)

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

Mr. CONRAD. I will be happy to yield.

Mr. MCCAIN. I thank the Senator.

I don't often like to expose my ignorance of certain issues on the floor of the Senate, but I preface my question with the assumption that I am not an expert on the budget, as is the Senator from North Dakota. I don't know the nuances and the ins and outs of the budget process, nor have I ever quite understood the different categories and what falls in and what falls out of it.

Would the Senator explain to me, according to the amendment proposed by



the Senator from North Dakota, as I read it, there is no budget number associated with the Senator's amendment; is that correct?

Mr. CONRAD. The Senator is absolutely correct. We are awaiting additional discussions that are going on right now, that the Senator may be aware of, to see if we could reach agreement on that critical component. Obviously, that would be a very important part of this package.

I say to the Senator, there are really two parts to this. One is the budget number for this year. The other is the budget enforcement mechanisms. Both of them are necessary. Neither is sufficient. They are both necessary.

Even though we do not have yet an agreed-upon number, the reason I am offering this amendment is that at least we would then have the framework and discipline when a number is agreed to.

Mr. MCCAIN. If the Senator will yield for a further question.

Mr. CONRAD. Yes.

Mr. MCCAIN. I do not quite understand. Since there is no number, then enforcement would basically be meaningless because you do not have a number to enforce.

Why wouldn't we wait until we had an agreed-upon number and then present the amendment as such? Because it seems to me, if you pass this, it may do more damage than good, because then the conferees, who are appropriators, well known for their sense of fiscal discipline, would be the ones who would decide what the cap is.

My question to the Senator from North Dakota is, without an agreement on what the cap would be, we are now putting in rules that are basically unenforceable because there is nothing to enforce. Why wouldn't we wait and see if there was some agreement on the overall budget number instead of proposing that at this time? That is my question.

Mr. CONRAD. The Senator asks a very good question. There are really two pieces to this puzzle. We need a number for this year. We also need the budget disciplines reinstated because they expire on September 30. This may be one of our best opportunities, I say to the Senator, to reinstate those budget disciplines.

We may also have an opportunity to have the number agreed to today. That would be a full package. That would be a very desirable outcome, I say to the Senator. But at the very least, I think we want to get the budget disciplines put in place.

Let's say we do not agree. Let's say we are not able to reach agreement on a number for this year. Does that mean we have lost all opportunity? No. Because, I say to the Senator, then certain of the numbers that were in last year's budget resolution serve as a basis for the disciplines that we would now be extending. In other words, even if we did not reach agreement, at least we would have the structure of budget

disciplines that could agree to certain spending levels that come from the budget resolution of last year.

Mr. MCCAIN. I thank the Senator for his courtesy in allowing me to question him and for his responses. I am still not quite clear why we would pass an amendment without something to enforce. But I certainly appreciate the courtesy of the Senator from North Dakota, and again I applaud his knowledge of the intricacies of a very complicated process which I have been unable to master in the years I have been in Congress. I thank the Senator from North Dakota.

Mr. CONRAD. Let me say to the Senator, for example, even if we were not able to agree on a discretionary spending amount for this year, if we have these budget disciplines in place, they would apply to the mandatory numbers from last year's budget. As the Senator knows, we have two pots of money. We have mandatory spending, and we have discretionary spending.

In the best of all worlds, what many of us would like to achieve is a discretionary limit agreed to for this year—in effect, a budget for this year. But we also have mandatory spending, and, in fact, mandatory spending is a bigger part of Federal spending than is discretionary. Even if we are not able to agree on a discretionary limit, if we have this budget discipline framework in place, we would have a way of disciplining mandatory spending.

In the best of all worlds, we get a discretionary spending limit, and we have these budget disciplines that apply on both sides of the equation, mandatory spending and discretionary spending. But at the very least, if we passed these budget disciplines, if we extend them, we have some way of disciplining mandatory spending. That is the biggest part of Federal spending.

It would also be very useful and important and certainly my goal to have a discretionary spending limit as well.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder, does the Senator still control the time?

Mr. CONRAD. I still control the floor. I would be glad to yield.

Mr. DOMENICI. I would ask for about 3 or 4 minutes, and I will yield back.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to have a few moments with the chairman and Senator GRAMM and others who are interested, building off your current amendment, which is pending—and I thank you for the accommodations that you have made to it—one which is very important to our side, very important to everyone, as we have come to know it, with the understanding that you know these enforcement provisions are not, for the most part, found in the Budget Act. These enforcement provisions were designed principally by a huge conference that

was presided over by former White House OMB Director Darman—remember him—and Senator ROBERT BYRD—you know him—and a few other people. We were about 2 weeks out there at Andrews Air Force Base when we tried to negotiate a budget.

It fell apart in terms of numbers, most interestingly. Some people didn't get treated well politically, and others did. Those who know have said the most important thing we did in 1990 or 1991 were the enforcement provisions. We were doing something rather significant. It turned out the tax part didn't work out as well for the President as it should have, but these enforcement provisions survived.

The principal author of those was Senator ROBERT BYRD, because we were giving, in a sense, many things he wanted, and in exchange he was trying to make sure that if they didn't do their job, something could happen to them, including his committee.

Today the distinguished Senator, on an appropriations bill, is trying to see if we can save some of those. I want to say, I have looked at them. I think the language I have used for the last 2 or 3 minutes means that I like them. In particular, they have been changed a little bit. I like them. I think we would have changed them a little bit, whether we were down here or not, from 1990 because a couple of the provisions don't work too well.

I regret that I can't seem to get a consensus on what else ought to belong in this. I think it is good, but it is half a measure because we ought to have some numbers in it. We ought to have some numbers for defense and some numbers for the rest of Government. Clearly, without any question, we don't need 5-year numbers at this point in the process.

The process is questionable mostly because of the number assumptions, not these enforcement provisions, speaking in the past.

But adults are going to sit down and arrive at this total; if not here, in a vote. If not tomorrow morning in a vote, they will go to a meeting someplace, and they are going to vote on how much we are going to allow for expenditures. We could go back to the day I arrived in the Senate, with Senator Nunn, Senator HELMS, and others. We never knew what we spent until all the bills were added up. Nobody bothered to give you any interim reports on six committees that reported and six bills. We were new. We said: How can you run a government where nobody knows until you are finished and by then you have already spent it all?

About 6 months later, the Budget Act was born on a premise that Senators JOHNSON and DOMENICI, heads of the freshman class, sent out a letter saying: Next year we will vote against all the measures together, 13 of us, if we don't have some process that tells us the pieces before we start. That was the beginning. So it has some pretty good history.

I have been there and enforced it a lot of times. You know about 35 percent of the votes of the Senate are points of order, and most of those points of order are 60-vote points of order, which is the only effective means this Congress has found to make it difficult to spend money. That is the only one. Because when it is controversial and you are seeking something with a lot of money, it is not easy to get 60 votes. So you ought to have that around here next year, too, and the year after; right?

The question is, how are you going to have it if you don't adopt it? Then to what are you going to make it applicable? I would have hoped that we could have gotten together beyond what is proposed and that we would go ahead and put the numbers in and get it done and then take a look, with our leadership, at where we go next. We still have a lot of amendments, but at least we could conceivably be through with this part.

I am trying as best I can in my few comments to put a little life into this debate; otherwise, who wants to talk about budgets. I do because when you live them, it is interesting to talk about them. How did you get this thing done?

Even the issue raised here, if we don't get one, we will deem one. I kept wondering, if that is the case, why in the world didn't we deem them when they were all so darned difficult? It is because when you finally go to look and see, what is that, it ain't so. We deemed a budget resolution that the Senate had adopted. That is what we deemed done.

Incidentally, we deemed a budget resolution that had been done by the Senate but wasn't getting adopted, and so we said, rather than let this whole year go with nothing, we will have a deeming resolution. And what do we deem up against? A budget resolution. So even when we were in foxholes shooting at each other because we couldn't agree on anything, clearly we chose to get something that said the Budget Act is being enforced.

As to the numbers I am giving you and others who want to be part of this, if they do, I am more than willing to come back and talk about them and see if we can put them together. Our leader will have them very shortly, and we will see where we go.

I thank you very much for yielding.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me, first, thank the distinguished Senator from New Mexico, the ranking member of the Budget Committee. I think he has done something very constructive because it kind of leads us to the point of all the decisions that need to be made. The Senator from New Mexico is saying, yes, we need the budget enforcement mechanism and framework. We also need a budget. We need a budget. The Senator from New Mexico has come forward with numbers that are

very close numbers that I could agree to, I say to the Senator.

Mr. DOMENICI. I had them there because they are close to what the Senator has agreed to before.

Mr. CONRAD. That is exactly right. The Senator basically has the President's number, which the President proposed for outlays—not the President's policy, I am quick to acknowledge. Really, the significant difference—there is not a difference on the budget authority number. It is the President's number. We have said all along that we could agree to the President's number for spending this year. We would not agree to this so-called accruals policy that would say that retirement funding of Federal employees is somehow discretionary rather than mandatory spending. It doesn't seem to us that that is realistic. When you have Federal employees, you have costs for their retirement. That has always been mandatory spending because, obviously, it is required. It is not discretionary. But the overall President's number is one to which I would agree. It is in the budget resolution that passed the Senate Budget Committee.

The Senator from New Mexico has provided a number for outlays that is very close to a number to which I could agree. He has also provided a defense firewall. Well, I think the realistic outcome in the Senate is that if we had a vote, there would be a commitment to spend that amount of money for defense. I think that would probably be the overwhelming vote.

I say to my colleagues, the Senator from New Mexico has come forward with the other part of the package. We have the budget discipline framework and he has now provided the numbers, provided a budget for this year that is very close to the numbers we have discussed for days.

I hope my colleagues will think about the need to get a budget and budget discipline in place for this year. We can do it now.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 3765 TO AMENDMENT NO. 3764

Mr. SANTORUM. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3765 to amendment No. 3764.

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

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

The amendment is as follows:

(Purpose: To adopt the concurrent resolution on the budget for fiscal year 2003 reported by the Committee on the Budget for the Senate)

At the end of the amendment add the following:

SEC. . The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the calendar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.

Mr. SANTORUM. Mr. President, what I have sent up is the Democrat budget that was passed out of the Senate Budget Committee.

We heard the chairman lecture the Senate that we need to have budget discipline and we need a budget. Yet for the first time in the history of the Senate, since the Budget Enforcement Act was put in place in 1974, we have no budget. We have not even been offered a budget.

The chairman of the Budget Committee, whose responsibility it is to bring a budget to the floor, has not brought a budget to the floor. This is the same chairman of the Budget Committee who, back in 1998, after we passed a budget but it had not gotten a conference report, said:

The budget resolution was due by April 15—

He said this in October.

The President plays no role in the budget resolution. That is the responsibility of this Senate and of the House of Representatives. These bodies have failed in their responsibilities.

He made that comment after we passed a budget here, but we were not able to agree between the House and Senate. In this case, the Senate has not even brought up the issue. We are in a situation where we are now, after a few years of surplus, heading into a deficit and we have no budget discipline in place. We have not even had a debate on the floor of the Senate as to the future of the budget of the United States of America.

Every single family in America has to budget. It is our responsibility—in fact, it is an obligation under the law that we pass a budget. But the chairman and the majority party in the Senate have refused to consider the budget, refused to bring this resolution to the floor.

We have seen all these amendments back and forth about why we are going to create psuedobudgets and deeming resolutions and sort of psuedobudget enforcement, skimming around the issues of the budget, without being serious with the public as to what the budget really is. That is disingenuous on the part of the Senate. We should have a full and fair debate on a budget and see whether we can get a compromise.

Last year we had a divided Senate. We did something historic, and I give credit to the chairman and ranking member for putting together a bipartisan budget for the first time in a long

time that actually passed the Senate. It was tough. I am sure if you ask the Senator from New Mexico, he would say it was one of the hardest things he ever did. He had a 50-50 Senate. It was not easy to craft a budget that could get votes on both sides of the aisle. It is hard when it is divided. It was a difficult task, but it was one that the Republican majority and Senator DOMENICI took on because we knew it was important for the future of the country to have fiscal discipline, to have a budget in place, so enforcement mechanisms could be put into place, so we could put some sort of caps on discretionary spending and have enforcement mechanisms for taxes and mandatory programs. It is an important framework to governing this country. It is not even a discussion that we have had.

We are almost 2 months past the time we were supposed to have this budget, and this is the first day I can remember we even have had this discussion, much less had the bill before us. So I thought it was important, since we are having this sort of kabuki dance here about budgets, that we actually put a budget on the floor. So that is what is on the floor now. We have on the floor the budget passed out of the Senate Budget Committee. If we adopt it, if the majority can get the votes to adopt their budget, then we can have a budget resolution on the floor and we can go through the process of amending the budget resolution, coming up with what is important for this country, which is setting forth the framework of operating the Government of the United States. It is our responsibility.

The President has sent a budget. He sent up a budget that was very specific. The House has passed a budget. It was hard to do with the very narrow majority over there, but they were able to pass a budget. The fact that we had not even brought a budget up, almost 2 months after the date which it was due to be here, is something we should not be proud of. We set a precedent that is not a good one. It is a precedent that says we are going to leave things to chance in the Senate at a time when the appetite for spending is always very high.

What does this budget do? Well, it does several things. The President laid out in his budget three priorities: national security, increasing defense spending so we can address not only the threats that we have had for many years, which are sort of the conventional threats that we have had to deal with—we were potentially going to be involved in some sort of conflict with a large deployment of our troops, which is what our military has been geared to fight. We have a lot of equipment and trained men and women who are there to do that. But as you know from recent events—and even before recent events—the military was going through a transformation process—now accelerated because of these asymmetric threats to America. Not only do

we have to maintain the existing force, but we have to deal with another security threat on Americans here and in the world at large. So in this environment, in a war against terrorism, faced with different threats, we need to dramatically increase defense spending. It is not really that dramatic; it is less than 10 percent in spending. They fund the President's priorities, as far as defense, for the next 2 years. After that, it does not. In fact, it reduces defense spending back basically to the rate of inflation, or below, but it dramatically increases and continues to allow the increase in domestic spending.

At the same time, it takes even more money that was due for tax reductions by making the President's tax cuts permanent and puts that money back and, of course, spends that money, too—not on defense spending but on domestic spending—in a time of war, a time of reshaping our military to protect this country. It reshapes the budget into more porkbarrel projects for Members of Congress. That is what this budget does. It takes money out of your pockets and puts it—

Mr. CONRAD. Will the Senator yield?

Mr. SANTORUM. Yes.

Mr. CONRAD. The Senator makes an assertion about the Senate Budget Committee that is flatly untrue.

The budget I offered that passed the Senate Budget Committee fully funded defense for 2003 and 2004. After that, it increased defense by the rate of inflation and set all of the additional defense spending aside that the President has requested in a defense reserve account. Every penny of that money that is not needed for defense goes to debt reduction. The Senator has said it goes to porkbarrel projects. That is absolutely false. Every penny of that money—every penny—either goes for defense or it goes for debt reduction.

When the Senator makes statements, I hope the Senator will at least be constrained by the facts.

Mr. SANTORUM. Reclaiming my time, I suggest that given the way this body operates and the Congress has operated over the past several years since I have been in Congress, we have not seen very many reserve accounts set aside for debt reduction that are not raided continually for spending in Washington, DC.

The Senator can say that money is set aside, and that is a nice little accounting mechanism, but the fact is we will spend that money and then some increases—whether it is supplemental appropriations without caps, since we do not have caps now, we would be flying through that money and we would be blowing through caps as we have in the past.

Second, I did say the tax dollars would not be given to the American public. They would be back in the budget and, yes, they would be used to increase spending in Washington, DC.

The fact is, it does not fund the President's priorities or the Nation's priorities with respect to national security, No. 1.

No. 2, it does take money that was targeted hopefully for the pockets of the American taxpayers and brings it back to Washington to be spent.

No. 3, and I quote the Washington Post headline, "Senate Democrats Tap Social Security in Budget Plan." I hear over and over how these horrible Republicans want to raid Social Security and raid the Social Security trust fund.

The budget we have before us, in the words of those who use this lingo, "raids the Social Security trust fund." It is horrible to suggest that, but it does. It does not fund the Nation's priorities with national security. It does increase spending in Washington, DC, for more and more domestic spending programs. It does raise taxes vis-a-vis the President's budget, and it does raid the Social Security trust fund.

Given what this budget does, I can understand why it might be difficult or why many Members, the leader, and the chairman of the Budget Committee did not want to bring this bill to the floor because such a budget would be very difficult to pass because it does not please very many Members on either side of the aisle.

There was no attempt in the process to try to form a bipartisan budget. Every effort by Senator DOMENICI and the budget Republicans was thwarted by the majority. So there was no attempt to build a bipartisan budget. Faced with very difficult fiscal realities, including raiding the Social Security trust fund, which this budget does, it is very difficult to get votes on a bipartisan basis when we have a very closely divided Senate.

I am not saying this would not be a very difficult political task—it would be—but it is one the Senate is required to do. This is a debate that we should have. This is a debate that has been denied to the Senate, has been denied to the American public, and, as a result we are going into waters very much uncharted, uncertain waters when it comes to setting spending priorities over the next few months through the appropriations process and whatever other bills that may be coming through that require expenditure of funds.

I understand there are attempts being made to create mechanisms to do other things that are sort of quasibudget in nature. That is all well and good. But the fact is, the chairman of the Budget Committee and the majority leader had a responsibility and obligation under the act to bring a bill before the Senate and debate a budget, and they have abdicated their responsibility. They have abdicated their responsibility to the Senate and to the American public.

I am going to give them an opportunity. We have waited 2 months. Many on our side were suggesting: Why don't we offer this on April 15? Because many of us thought: Let's see if we can work out something; let's see if we can, in fact, get some bipartisan resolution; maybe the chairman of the Budget Committee will bring forth a budget

resolution. Senator DASCHLE continually in his dugout said: We will get to that budget resolution; we will get to it; we will get to it.

I was willing to hold off longer. Now there are all these phony budget talks going on in this Chamber where we are going to do all these machinations to look like we are doing a budget. I thought: I am willing to put off while people have good-faith negotiations to get something done. But when we come out to the Chamber in the context of a supplemental and start playing games like we are doing a budget, let's call a spade a spade. Let's do a budget. You have not done a budget. Let's do a budget. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Pennsylvania must have missed what has been going on. He has not been party to any of these discussions, any of these talks, but people on his side of the aisle have been, including the ranking member of the Budget Committee and the Republican leader. We have even involved the White House in an attempt to get a budget for this year.

The fact is, the Senate passed a budget resolution through the Budget Committee, a budget that is a 10-year budget as required under the law. The President presented a 10-year budget, and we will give our colleagues a chance to vote on that budget as well, just as we did in the Budget Committee.

Interestingly enough, some Republicans did not support that budget. We will see if they want to support that budget on the floor.

The Senator from Pennsylvania talks about raiding Social Security. The President's budget really raids Social Security. We will give the Senator from Pennsylvania the opportunity to vote on that budget and see if he wants to raid it by \$500 billion more. That is what the President's budget does.

How are we in this deficit situation? Is it because we have not considered a budget resolution on the floor of the Senate? The Senator from Pennsylvania knows the answer to that question. We are in deficit for as far as the eye can see before a budget has been considered for fiscal year 2003, and I remind the Senator that the new fiscal year does not start until October 1. We have time to get a budget in place for this year.

The Senator perhaps has forgotten that the Senate has been involved in the election reform bill, the energy bill, the trade bill—all of these the administration requested us to take up. Now we are on the supplemental bill which the President also asked us to take up and dispose of. So the budget kept getting pushed back.

On the fundamental question of how we got in this circumstance where we see deficits as far as the eye can see, the facts are very clear. The Senator from Pennsylvania and his colleagues bear substantial responsibility. They

are the ones who put a budget in place last year that plunged us back into deficits. We opposed it.

It was the Senator from Pennsylvania and his colleagues who said we can have it all, who said we can have a massive tax cut, we can have a major defense buildup, that we can have maximum paydown of the Federal debt. That is what they told us last year. And now they are here, after saying they were going to have maximum paydown of the Federal debt, asking for the second biggest increase in the debt in the history of the country.

This is their fiscal policy that is in place. It is their fiscal policy that has put us back into deficit. It is their fiscal policy that has put this country back into accumulating debt at a record rate.

No budget has yet been acted upon for the year 2003. It is their budget, the budget they passed last year, that they offered in both Chambers of the Congress, that they passed that has put us in this deep ditch. That is the fact.

Last year, we were told there would be nearly \$6 trillion of surpluses over the next decade.

In fact, the President's Office of Management and Budget told us there was going to be \$5.6 trillion of surpluses over the next 10 years. Now we are told maybe \$400 billion, and that is before the revenue shortfall of this filing season.

The fact is the money is all gone. Where did it go? More than 40 percent went to the tax cut that the Senator from Pennsylvania and his colleagues pushed through this Congress. Twenty percent of the disappearance of the surplus went from increased expenditures as a result of the attacks on this country, 20 percent, and every Republican supported those expenditures.

Twenty percent of the disappearance of the surplus happened because of the economic slowdown. About 20 percent occurred as a result of underestimations of the cost of Medicare and Medicaid. That is where the money went.

So if the Senator from Pennsylvania is wondering how the money disappeared and who is responsible, he can look in the mirror because it was his fiscal policy, his budget, his plan, his promises that put us back into deficit and back into debt. That is where we are.

I warned against that fiscal policy. I warned that it would put us in danger of raiding Social Security and raiding Medicare and every other trust fund in sight. But, oh, no, the Senator from Pennsylvania and his colleagues said: We know better. There is going to be even more money than has been projected. That is what they said then, and now we reap the whirlwind and the devastation of deficits and debt as far as the eye can see.

We have an opportunity to get a budget framework in place. We have an opportunity to put in place the budget disciplines that are necessary to pre-

vent spending from spinning out of control, but this kind of ad hominem attack is not going to solve those problems.

We presented a 10-year budget. I am proud of that budget. The budget I presented, that passed through the Budget Committee, did the following: No. 1, fully funded the President's defense request for 2003 and 2004, and for the years beyond put the money in a reserve account so that every penny would be available for the defense of this country if needed. But in those future years, where none of us can say with certainty what might be required for defense, to the extent any of that money is not needed for that purpose, it goes to reducing the debt of America. That is a good policy. It is one we ought to adopt.

In the budget I have offered our colleagues, we fully fund all of the money the President has requested for homeland security because we believe everybody in this Chamber understands our first obligation is to defend this Nation.

The budget I have offered also has greater debt reduction than the President has offered in his budget, \$500 billion more in debt reduction than what the President proposed, if the defense reserve fund is not needed for defense. If it is all required for defense, we still are paying down the debt by \$230 billion more than the President's proposal.

On the other key issues before us, the budget I offered my colleagues said there would be no additional tax cuts unless they are paid for because we are now in deficit. It contains no tax increases, and it also has no delay of the scheduled tax cuts.

The budget I offered also attempts to address the priorities of the American people because it rejects certain of the cuts the President proposed. The President proposed cutting the highway construction program in this country by 27 percent. The President's budget proposes a \$9 billion cut in highway and bridge construction funding. I do not think that is the priority of the American people.

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

Mr. CONRAD. Since the Senator has presented the budget I offered, I would like to complete the description of that and then I would be happy to yield.

I do not think it is wise to reduce the highway and bridge construction budget of the United States by 27 percent. No. 1, it would cost over 350,000 jobs in America. No. 2, it would reduce the efficiency of the transportation system in our country. What sense would that make?

It does not end there. The other major difference in the priorities of my budget from the President's budget is in education. Everybody says education is their priority, but the President's budget actually cut his signature education proposal, No Child Left Behind. The President, with great fanfare, went across the country drawing

attention to the No Child Left Behind Act, but in the first budget he proposed, he cut the funding for No Child Left Behind.

I also, in my budget, kept the Federal promise that was made long ago to the States with Disabilities Act funding for education. Educators all across America told us this was the single highest priority. It is the one thing that would help school districts across America the most, if the Federal Government would keep its commitment to fund 40 percent of the costs of the Disabilities Act. That is a promise we have not kept. Under the budget I have proposed, we would keep it.

We have some additional funding for education, some additional funding for law enforcement as well. The President cut dramatically the funding for the COPS Program. What sense does that make, when we face a terrorist threat, to cut cops on the street? This is a program that has put tens of thousands of policemen on the streets of America. So we restored that cut.

We also dealt with some of the other priorities of the Nation. In addition to education, in addition to law enforcement, we dealt with the health care needs of America.

The President had about \$250 billion set aside for a prescription drug benefit and to expand health care coverage. The House in their budget resolution set aside \$350 billion for a prescription drug benefit and for adjustments to providers. They did not pick up the President's proposal for expanding health care coverage.

In the budget I have proposed, we have a \$500 billion reserve fund for health care, for prescription drugs, for the President's proposal on expanding health care, and for the third category of adjusting for providers, the Medicare cuts that are in place that endanger the health care of the people of the country because there are additional cuts to hospitals, additional cuts to doctors that go beyond what was anticipated when the 1997 Deficit Reduction Act was put in place.

Some have asked, how can it be that there are fewer cuts than the President proposed but on the other hand there is more debt reduction? How can that be? The way we achieved that result was not to adopt the President's proposal of additional tax reductions on top of the stimulus package that has already been put in place this year, and on top of the massive tax cut that was put in place last year that extends over the next 10 years. We say, yes, there can be additional tax cuts, absolutely, but they have to be paid for.

I think that is a pretty reasonable budget. Those are principles that ought to be adopted. Those are things that make sense.

I want to review how we got in the circumstance we are in today. It was not the fact that we have not yet adopted a budget for 2003 that put us into deficit.

I conclude by saying we got in this soup because of the fiscal policy put in

place last year by the Senator from Pennsylvania and his colleagues. They are the ones who told the American people: You can have it all; it all adds up, massive tax cut, major increases in spending. They will have maximum paydown of the Federal debt, they will do all these things based on a 10-year forecast that even the people who made the forecast warned was uncertain. But they bought it hook, line, and sinker, and they sold it to the American people.

What is the result? Before we have a budget for fiscal year 2003, massive deficit is the result, deficit not just for this year but next year and the next year and the next year and the next year, because that party that claims to be the party of fiscal responsibility put us right back into the soup of deficits, debt, and decline. Their plan did not add up. Now we have an opportunity and an obligation to try to agree on a budget for this year.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I want to make sure everyone understands what it is we are debating on the Senate floor.

The President made a request of the Senate to pass an emergency appropriation that would directly respond to the terrorist attacks in the United States. He asked for more money for defense. He asked for more money for homeland security. He asked for more money for New York. That is the pending legislation.

Our colleagues on the other side of the aisle have said this bill is on a slow train to nowhere. Mr. President, it is disconcerting, at best, that on an issue of this import—dealing with troops overseas while the nation is on high alert after being told repeatedly in the last 3 weeks about the inevitability of a further attack—somebody has unconscionably come to the floor and slow-walked this important bill, slow-walked it, stopped it, brought it to a grinding halt. But that is exactly what is happening.

We need to get this legislation passed. There ought to be a good debate about budget. We have been trying to do that. We will have one. But to offer a budget resolution on the amendment that is currently pending is inexcusable. It is politics. It has everything to do with slowing this bill down to a screeching halt and ignoring the plea of the President of the United States to enact this legislation as quickly as we can. That is what we are doing.

Members of his party have said: We don't care what the President is requesting, we are going to slow-walk this, we are going to put this on a slow train, and we are not going to pass this legislation this week. We will vote against cloture tomorrow. We are actually going to continue to filibuster a bill the President has requested to deal with homeland defense, to deal with aid to New York, and to deal with the defense needs of this country. That is inexcusable.

I move to table the second-degree amendment, 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.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 134 Leg.]

#### YEAS—96

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

#### NOT VOTING—4

Bingaman	Rockefeller
Helms	Torricelli

The motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The deputy majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I want to reflect for a moment on the events of today and say to my colleagues, we

have to find a way to break the gridlock. The bill that is before us is for defense, for homeland security, for dealing with the tragedy of the attack on New York, and to deal with some other urgent needs, including the shortfall in Pell grants and VA medical care.

The bill before us is a \$31 billion bill. Fourteen billion dollars is for defense, money requested by the President to respond to the continuing terrorist threat to this country; \$8.3 billion is for homeland security, again funds requested by the President to respond to the continuing threat against our Nation; \$5.5 billion is to respond to the needs of New York after the attack of September 11; \$1.9 billion is for foreign security assistance to strengthen our embassies against terrorist attacks; \$1 billion to deal with the shortfall in Pell grants; \$400 million for VA medical care. That is the bill that is before us. Those are requests of the President of the United States.

I want to make clear that what is at stake is spending items requested by the President of the United States to respond to the threats against our country and the devastation that occurred as a result of those attacks. I think it also must be said that we need to have a budget put in place for this year. It is needed. Now we are being told by some on the other side, they will block any attempt to have a vote on a budget framework for this year.

There are others on both sides who want to work together to achieve that result. There are others on both sides who believe it is important to have a budget put in place for this year, to have the budget disciplines extended for this year. I hoped we could do that before we conclude work on this supplemental. This is one of the best alternatives, one of the best options we will have to put in place a budget framework for this year.

I might say that people on both sides of the aisle have worked very hard to do that, are very close to an agreement to do that, but we have to have an opportunity to vote before cloture is invoked or that effort will fall.

That is the hard reality. We have an opportunity to put in place a budget for this year, to extend the budget disciplines for this year, and to provide some order to this process. That is in the interest of all of us. That is in the interest of the Nation. I would hope very much that tomorrow we would have the opportunity to vote on that on a bipartisan basis.

Ms. STABENOW. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Ms. STABENOW. I ask the Senator, who is the chair of our Budget Committee, about issues that are in that budget which I think are so critical for all of us, and I share with the Senator his frustration about the lack of willingness or ability to move ahead in order to pass this supplemental and to be able to pass the budget. One of the important provisions that we have

worked on together relates to the question of prescription drugs and putting forward a comprehensive Medicare prescription drug benefit that I know the Presiding Officer has been deeply involved in leading and advocating as well.

Would the Senator not agree that it is critically important that we be able to move ahead with this budget so we can address the issue of Medicare prescription drugs and be able to address the spiraling costs of medications, affecting every part of our economy and that our budget resolution, in fact, puts in place the ability to do that?

Mr. CONRAD. I would like nothing better than to have the opportunity to have a full plan. At this moment, what is at stake is having any plan just for this year. That is clearly in the Nation's interests. It is in the interest of an orderly appropriations process to have a budget for this year and to have the various budget disciplines put in place for this year. That is now what is at risk, much less having a longer term plan. What is at risk at this moment is having any plan. That is what is at risk.

There are some Members who do not want any plan, some Members who want chaos. They think somehow they benefit by not having a discipline in this entire process. That is regrettable. I say to my colleague, who is a very valuable member of the Senate Budget Committee. We voted out a resolution, a blueprint on how to proceed, one that was fiscally responsible, that had substantially more debt paydown than the President proposed, one that has no tax increases, one that has no delay of the scheduled tax cuts, one that provides everything the President requested for the defense of this Nation, both in terms of the defense budget and the budget for homeland security. We did that.

We are asking for at least the opportunity to vote on one year of that plan so we meet the defense needs, so we meet the needs for homeland security, so we get this supplemental budget in place that the President has requested, so that, yes, we have the budget disciplines continue past September 30 when they expire. We do not want to see a circumstance where spending spins out of control. Just be here in October with no budget disciplines available and see what real chaos can be.

I say to my colleagues, I know there are people who have strong feelings on all of these issues. I do, as well. We ought to let the Senate work its will. We ought to have a chance to vote. That is how we determine outcomes here.

I have been told there are some who have the idea of preventing the Senate from voting. They do not want a chance to vote because they think they would lose, although there is a 60-vote requirement. They are right. They would lose. We would then have the opportunity to have not only a budget for this year and also the budget dis-

ciplines continue, that is very much in the public interest.

I hope some of my colleagues overnight will think about the consequences of the failure to act. I thank the Senator from Michigan for her contributions on the Budget Committee.

Ms. STABENOW. I commend the Senator from North Dakota for his ongoing leadership on the Budget Committee. These are challenging times. He has forecast for over a year great concerns about an evaporating surplus and what could happen with a downturn and other pressures on the budget. He has continued to advocate fiscal discipline. I join the Senator in that and in setting the right priorities for the country, the right priorities for our families.

#### ASSISTANCE FOR ISRAEL

Mr. BYRD. Mr. President, I want to take a moment to discuss the amendment of the Senator from Kentucky, the ranking minority member of the Foreign Operations Subcommittee, Senator MCCONNELL, concerning assistance for Israel.

This amendment would permit the transfer of all or a portion of the funds in the supplemental for Israel, to the "Nonproliferation, Anti-Terrorism, Demining and Related Programs" account (NADR), to be used for "defensive, non-lethal anti-terrorism assistance." It is my understanding that the purpose of this amendment is to provide the authority to utilize these funds to purchase bomb detection equipment, x-ray machinery, body armor, and similar types of border security and other defensive equipment to prevent acts of terrorism. Am I correct?

Mr. MCCONNELL. I thank the chairman of the Appropriations Committee for his question. Yes, he is correct. That is exactly what these funds would be available for. The recent bombings in Israel—including one this morning that killed 16 people—have only demonstrated the urgent need for this type of assistance.

Mr. BYRD. I thank the Senator. I want to be certain that there is no ambiguity about what these funds are for. We are all aware that there was never any intention that these funds would be available for lethal assistance or for the expansion of settlements, but I think it is important to reaffirm that understanding. These NADR funds would not be available for offensive purposes, or for any purpose unrelated to the purchase of defensive, non-lethal anti-terrorism equipment, and the Senator from Kentucky has confirmed that.

Mr. MCCONNELL. Let me thank the chairman for including the assistance for Israel in his mark.

#### WAIVER OF THE LOCAL MATCH FOR THE COMMUNICATIONS INTEROPERABILITY FUNDING

Ms. LANDRIEU. Mr. President, I would like to engage my colleague, the distinguished chairman of the Commerce, Justice, State appropriations Subcommittee, Senator HOLLINGS, in a



colloquy on the local match requirements for Federal grant funding. This pressing concern was raised by the local elected officials we heard from during the Appropriations Committee homeland security hearings. One of them testified that in many of these grant programs, particularly in the public safety area, our larger cities with the greatest needs cannot afford to meet a local requirement, while wealthier area with relatively fewer needs are able to take full advantage of these funds.

I hope the distinguished chairman will join me in this colloquy at this time.

Mr. HOLLINGS. I would be happy to speak with my colleague from Louisiana on this important issue.

Ms. LANDRIEU. I thank the Senator. I believe that local match requirements are an important shared investment in Federal grant making. So there is a need for it and I think my colleague would agree.

Mr. HOLLINGS. I certainly do agree. By giving the local jurisdiction "buy-in" to a grant, the local match adds an incentive for communities to use Federal funding effectively. A wide variety of grant programs have them. I also share in the Senator from Louisiana's concern that many of our communities may not be able to afford that match. Many grant programs provide waivers of the match in certain cases.

Ms. LANDRIEU. I would like to talk to the Senator about the \$80 million in interoperable communications funding in the Department of Justice title of the bill. In the District of Columbia Subcommittee we have held hearings on the emergency preparedness needs for Washington, DC. During 9-11, District fire and police personnel had to have the ability to communicate with multiple jurisdictions that responded to the Pentagon. So interoperability is crucial for public safety officials.

The funding in the bill would be administered by the COPS program at the Department of Justice. You have been a leader in the Senate in your support of that program. COPS grants require a 25 percent local match for its grants. The COPS program does allow for a full or partial waiver of the local match for communities that are facing severe fiscal distress. Communities can qualify for a waiver in a wide variety of ways. Some qualify because they have been declared a FEMA disaster area or have been placed in receivership or bankruptcy. Communities can also get a waiver if they have had a recent large, one-time financial expense, like replacing a water treatment facility. The COPS program will also grant waivers to communities that had to make across-the-board budget cuts as a result of difficult economic circumstances.

Mr. HOLLINGS. Congress designed the COPS program to meet the specific law enforcement needs of individual communities. This is true not only with the waiver of the local match, but

in how communities can use COPS funding in general.

Ms. LANDRIEU. Is it your understanding that the COPS interoperable communications funding in the bill will be administered in the same manner as the other COPS grant programs regarding the local match and the waiver process?

Mr. HOLLINGS. Yes. These funds will be administered in the same manner as other COPS grants funds regarding both the matching requirements and the waiver process.

Ms. LANDRIEU. I thank the chairman of the subcommittee. I look forward to working with you on this issue.

Mr. GRAHAM. Mr. President, I rise today in support of the funding for the U.S. Coast Guard aviation programs in the pending supplemental appropriations bill.

On February 20, I spent a day at Coast Guard Air Station Clearwater in St. Petersburg, Florida. I observed first hand some very impressive Coast Guard aviation operations, but also several helicopters that were inoperative due to problems associated with a shortage of spare parts. I am pleased that the pending supplemental will help restore adequate funding for the Coast Guard aviation program, including spare parts, and get these aircraft flying and operational again soon.

The Coast Guard needs this assistance to cover their basic operational expenses. According to the Coast Guard, the first supplemental this year provided funding to operate seven additional aircraft (4 HU-25 Falcon jets and 3 HH-65 helicopters) and provided a 15 percent increase in flight hours. The pending supplemental contains approximately \$22 million to continue to operate the entire aviation fleet for the remainder of the fiscal year, with an adequate inventory levels of repair parts. I am also pleased that the Coast Guard reports that the President's fiscal year 2003 budget request contains the necessary recurring funding to support the additional aircraft and flight hours brought on by fiscal year 2002 supplemental funding, as well as continues to resolve the Service's aviation parts shortfalls.

I do recognize that some of the HH-60 helicopter problems that I saw in February are due to aging aircraft issues that affect the entire U.S. H-60 fleet, including those owned by the Department of Defense, and are not just the Coast Guard specific issues.

As one of the nation's first lines of defense in stemming the flow of illicit drugs and illegal immigration into the United States, it is imperative that the U.S. Coast Guard be appropriated the resources that they require to carry out their critical missions on behalf of the American people. And we must remain committed to ensuring that our Coast Guard has adequate resources not just now, but well into the future. The U.S. Coast Guard is important to Florida and important to the nation.

I urge my colleagues to join me in support for the Coast Guard's supple-

mental funding for fiscal year 2002 as well as for their annual appropriations in fiscal year 2003.

Mr. MCCONNELL. Mr. President, I very much enjoyed Thomas Friedman's op-ed in today's New York Times entitled "Land of Denial." I could not agree more with his assertion that Egypt can—and should—be doing more to be a leader in the Arab world.

Egypt is a land of missed opportunities, and it has forfeited its historical place in Middle Eastern history as a progressive and pluralistic country. Friedman points out that while other countries—Jordan, Bahrain, Qatar, and even Tunisia—have forged ahead with democratic, free press, and economic reforms, Egypt "has been stagnating."

I could not agree more with Friedman's assertion that "[t]he intellectual air has gone stale in Egypt from too many years of controlled press and authoritarian politics."

In the past, I have taken issue with Egypt's cold peace with Israel, its jailing of democracy advocates, its suspicious involvement with North Korean missiles and weapons technicians, and its reckless and irresponsible government-controlled press that fuels extremism on the streets of Cairo and throughout the Arab world.

It is not too late for President Hosni Mubarak to embark on a reform path that will ensure a stable and prosperous Egypt. It is in our interests—as well as those of the Egyptian people—that Mubarak invests in the development of functioning democratic institutions and political processes.

In the supplemental bill I carved out a portion of assistance provided in the Economic Support Fund account for the professional training of Egyptian and other Middle Eastern journalists. I did so because I firmly believe that a free and independent media in Egypt will contribute to our war against terrorism, peace in the region, and the political, legal, and economic development of that country.

The abuses of the government-controlled Egyptian press are legendary, and include personal attacks against Secretary of State Colin Powell and National Security Adviser Condoleezza Rice. America has been repeatedly tarred and feathered, Israel vilified, and Hitler criticized for not killing all the Jews "so that the world could sigh in relief without their evil and sins."

Such inflammatory nonsense fuels ideological extremism that has repercussions on our shores and throughout the world.

Let me assure my colleagues that in my capacity as ranking member of the Foreign Operations Subcommittee, I will continue to examine the assistance America provides to Egypt. I have already suggested to Secretary Powell that we reassess our assistance to Egypt to ensure that it effectively promotes critically needed reforms, and I look forward to working with the administration on this matter.

## MORNING BUSINESS

Mr. REID. Mr. President, I have spoken to both the majority and the Republican leader and told them that we were going to go into a period for morning business for the rest of the evening, and they both are aware of what we were going to do. Therefore, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for a period up to 10 minutes each.

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

## ORDER OF BUSINESS

Mr. REID. Mr. President, for the information of all Members, I have spoken with the two leaders, and what we would like to do this evening is propound a unanimous consent request that we be in morning business in the morning from 9:30 until 10:30, with the time from 10:30 until 11 equally divided with the proponents and opponents of the motion to invoke cloture.

We, of course, will be on cloture whether there is an agreement or not. That is the rule. So that is what I am going to propose later on. As I have said, I have explained that to both leaders, and I think that is what they want.

Of course, Mr. President, there are no more rollcall votes today.

## CRITICAL ISSUES

Ms. STABENOW. Mr. President, I rise to ask our colleagues to move beyond the obstructionist position, to work together to get the supplemental passed so we can move on to other critical issues that affect our families. This is one. It is important. There are important pieces in this bill that deal with our issues of homeland security and certainly, representing the great State of Michigan, issues of border security are critical. We are very concerned about making sure we have the resources in place. There are other important resources in this supplemental bill.

However, I am equally concerned about the ability to move beyond this, to get this completed on a bipartisan basis and move beyond this to the rest of the agenda that has to happen.

The Presiding Officer has spoken eloquently about the sense of urgency families feel about medicine and the inability to afford critical lifesaving medicine, whether you have cancer, a heart condition, high blood pressure, or a disabled child and you need to be able to provide that child with medicine that is needed.

We have the ability and, within our budget resolution, the capacity to pass a Medicare prescription drug benefit that will update Medicare and make sure there is a voluntary universal plan in place for those who need it, to be able to afford their prescription drugs.

We also have the ability to lower prices across the board. Our side of the aisle has put forward a strategy to provide a way to lower prices for our business community, large and small. I have seen the business communities come forward, small businesses that are losing the ability to provide health care for their employees because premiums are going up 30 and 40 percent this year.

The big three automakers shared some statistics with me. I came from a weekend-long event on Mackinaw Island, which I invite the Presiding Officer and my colleagues to come and enjoy during the beautiful summer months. There is a wonderful gathering of business and political leaders and university educators who come together once a year to discuss challenges facing the economy in southeastern Michigan and across Michigan and the business concerns. High on their list, if not at the very top, was the rising costs of health care, predominantly due to the explosion of the prices on prescription drugs.

We heard a presentation from DaimlerChrysler that indicated on a SUV today priced at \$18,600 the cost of employee health care is \$1,300, and that the fastest growing part of that is prescription drug costs. We not only need to be providing Medicare prescription drug coverage for seniors and for the disabled, but we need to close the loopholes which allow the companies to stop compensation through generics that go on to market or are supposed to go on to market once the patents run out where the formula is available to other countries to use and to produce prescription drugs at a lower cost.

We also need to open our borders to Canada. Two weeks ago, we passed fast-track trade authority, but the only thing we could not trade between the United States and Canada is prescription drugs, which makes absolutely no sense. We know, and we will be demonstrating next week in bus trips from a number of States across to Canada, that you can lower your prices at least in half.

I am pleased to have joined with Senator DORGAN from North Dakota, Senator JEFFORDS from Vermont, Senator WELLSTONE from Minnesota, and many others, in an effort to open the border so we can have that competition, and our pharmacists, our hospitals, our businesses can have business relationships with the Canadians, bringing back American made drugs sold to them at lower prices. We have that bill. If we had the opportunity, we could complete the supplemental and bring up that bill and lower prices immediately.

We have been able to put forward a bill that caps the amount the taxpayers subsidize in excessive advertising costs. The drug companies are spending 2.5 times more to advertise a drug than to create a new lifesaving drug, and we have a bill—and the Pre-

siding Officer has joined in the effort—to cap the amount that can be written off on advertising and marketing costs to the same level that research costs are rip-offs on taxes, so taxpayers are subsidizing no more for advertising and marketing sales than we do for research. That would cut costs immediately.

We also have a bill to allow more flexibility for States using innovative techniques as in Maine and Vermont, where they are being sued by the drug companies for coming up with creative ways to lower prices.

We have an agenda to lower prices. We have an agenda that includes a comprehensive, voluntary, Medicare prescription drug benefit. If we can get beyond the current stalemate, we will have the time and opportunity to bring forward these issues that directly affect every single American—every business, every farmer, every worker, every family, every senior. It is an issue whose time has come.

People in our States are saying it is time to act. It is past time to act. We have been talking about this. You would think, given all the time we spent talking about it, on both sides of the aisle, we could have funded a prescription drug benefit.

The reality is we need to act. We need to do it now. I am deeply concerned that we are seeing, day after day, stalemate on moving forward on critical issues such as the supplemental that are so important to us and that are blocking us.

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

Ms. STABENOW. I am happy to yield to the distinguished Senator.

Mr. REID. I say to the Senator from Michigan how much I appreciate her leadership on this issue. Yesterday the Presiding Officer gave a speech, right close to where the Senator was standing. It was one of the most significant speeches I have heard since I have been here. He illustrated, in the mind of anyone who was listening, why we cannot wait.

I say to my friend from Michigan, I was on an elected board of trustees from a hospital district in 1966 when Medicare came into being. Prior to Medicare coming into being, 40 percent of the seniors who came into our hospital—it was a county hospital—had no health insurance. We were brutal. That is just the way it was all over America. We would go after whoever brought their mother or father, son or daughter in the hospital. We would go after them for their wages; we would attach their homes. That was the way it was all over America.

Medicare is imperfect, but now virtually every senior citizen who comes into a hospital has some health insurance.

In 1966, I think the Senator would agree, there really was not a paramount need for a health insurance plan that covered seniors for prescription drugs. That was not really a part of the

therapy at the time. But now the Senator would also acknowledge the average senior citizen has 18 prescriptions filled every year. They are lifesaving. They make people more comfortable. They prevent disease. How can we, the only superpower in the world, not have a prescription drug benefit for the program we call Medicare to take care of seniors? Would the Senator respond to that?

Ms. STABENOW. I thank the Senator very much for those comments. I could not agree more. When Medicare came into being, as the Senator from Nevada knows, it provided coverage for the way health care was provided at the time. You went into the hospital, you had an operation, and it covered the medications in the hospital. But we all know that health care has dramatically changed, and we are proud of that. We are proud that we have these new lifesaving drugs that stop someone from having to have the operation. We know most health care now involves prescriptions.

The problem we have is that this great American success story called Medicare that was put into place does not cover prescriptions. So effectively, now, we are not providing the health care that we promised our seniors and the disabled.

So for me and I know for the Presiding Officer and for our leader from Nevada, it is common sense. It is past time to update Medicare. I know we are urgently trying to make that happen.

I thank my friend for raising that. I know we have a tremendous amount of support all across this country for getting this done. I often think, in the debate on health care and this debate on prescription drugs, if we only had the same sense of urgency on this issue from a policy standpoint that we have when someone in our family gets sick or we get sick. When you find you are diagnosed with cancer and you have to have cancer medication, you can't say, "This is too tough. We will do it next year. You can have your medicine next year." Or when your child gets sick, you can't say, "You can't get sick this year. You can get sick next year."

Yet we put off this issue year after year after year. We need this kind of urgency that our families feel. I know our leader from Nevada feels that. Certainly the majority leader of the Senate and the Presiding Officer from Georgia have eloquently stated this. We are going to keep coming to the floor, day after day after day, creating this sense of urgency, urging people to get involved with us to create the sense of urgency that we need to get this done.

Mr. REID. I know the Senator from Michigan has a schedule to meet. But will she yield for one more question?

Ms. STABENOW. I would be honored, yes.

Mr. REID. Having listened to the Senator and having listened to the Presiding Officer yesterday, I am—I can't say depressed; maybe in a legislative

sense I am, but I am terribly concerned that we are wasting so much time. Everyone knows this bill that is being slow-walked here is going to pass. It has to pass.

This bill making supplemental appropriations for further recovery from the response to terrorist attacks on the United States—we know it is going to pass.

There are things in it that people may not like. But rather than waste 2 days' time here, why don't they file motions to strike what they don't like. It is a shame we have to invoke cloture.

We have spent Monday, we have spent Tuesday, we have spent Wednesday doing basically not much, when we could have been working on this legislation about which the Senator is speaking now, about which the Senator from Georgia spoke yesterday. We are wasting time.

I can be as partisan as a lot of people, but the State of Nevada is equally divided between Democrats and Republicans. I represent the Republicans of the State of Nevada just as I represent the Democrats. We in the Senate have to respond, in my opinion, in that same manner. The people about whom you speak are not Democrats; there are just as many Republicans as Democrats who need Medicare. We have to approach this in that manner. Would the Senator agree?

Ms. STABENOW. I could not agree more. I was thinking as the Senator was speaking, we have seniors who got up this morning and literally sat at the kitchen table and said: Do I eat today or do I get my medicine? Do I pay my utility bill or do I get my medicine? They didn't check to see if their registration card was Democrat or Republican. That is not what this is about. This is about real people's concerns.

People expect us to work together. They expect us to rise above those kinds of partisan efforts and work together to get things done for them in a meaningful way.

So I share the same concern. Every day this week that we are not able to address this is another day where thousands, probably millions of people across this country, are trying to decide how to put their pennies together to be able to afford the medicine that they or their family need. I would say enough is enough. It is time to get on with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, I appreciate the statement of the Senator from North Dakota, the chairman of the Budget Committee, and certainly the statement just made by my friend, the distinguished Senator from Michigan, Ms. STABENOW.

I spend a lot of time in the Chamber, and I really enjoy it. That is my job. I

appreciate my ability to do that, that other Senators give me that responsibility. But there are days such as today and yesterday and Monday that I am concerned we are not doing enough in this body. I don't know why this is being slow-walked, as has been described in today's press. I am not making this up. It is right here in the Congressional Quarterly:

Senate Republicans say they will not hesitate to slow walk legislation important to Democrats.

But as the Senator from Michigan stated, if we passed a prescription drug benefit for seniors—it would be great if we could do it for everyone, but let's say we do it for seniors on Medicare—they wouldn't know to whom to give credit, whether it be Democrats or Republicans, but they would be happy they got something. Conversely, our doing nothing, the blame goes to both parties. There is no advantage that anyone gets by not moving forward on legislation.

Pick up the newspaper anytime you want—today. I don't have a clip from today's paper, but it is easy to find one. Here is one, May 23. It was in my desk. I was cleaning out my desk as the Senator was speaking:

The Department of Transportation has issued a warning about attacks on rail and transit systems across the country, law enforcement officials said on Thursday. The Department's warning, sent out Wednesday, was consulted by the Department of Transportation.

The reason that is important is this bill that we are now working on has a provision in it for security. We have almost \$1 billion for port security. We have \$200 million for security at nuclear weapons facilities. We have \$154 million for cyber-security, and border security.

I am a member of the Appropriations Committee. I voted for the bill that came out of committee. But as with all Senators, you don't have an opportunity to read everything in a bill. The bill that came out is not a very big bill. It is 117 pages. I could read the bill easily in a half hour and really understand everything in it. If there is something that people do not like in the bill, they should try to get rid of it.

I think we are doing a disservice to the people of my State of Nevada and the country by not moving forward on this. There is no political advantage. I don't know if we can get cloture tomorrow. If we don't get cloture tomorrow, we will go again and try it some other time.

I don't know what benefit there is of the big stall that is taking place. I think it is a disservice to the country. I have tried on various occasions during the last several days. I have offered unanimous consent requests that we limit the number of amendments. I have offered unanimous consent requests that we have a finite list of amendments. It doesn't matter how many, but let us know how many so the managers can work to cut this down.

I am very disillusioned with what is happening. I say to the American people that they should send a message to their Senators to move forward on this legislation. This legislation is for further recovery in response to the terrorist attacks on the United States.

I will bet the State of Georgia is hurting for money as a result of some of the spending on antiterrorism, and the State of Nevada. There were a lot of things we were spending money on prior to September 11. We did it to make it a safer place. But for our ports, highways, schools, and other things, we are doing more. Nevada and Georgia and other States are eating those costs themselves.

There is money in this bill to help States, as there should be. We are spending lots of money in Nevada training first responders. There is \$1 billion in this bill, including funds for firefighting grants, State and local law enforcement grants, grants to help State and local police to better coordinate their operations, fire and medical personnel, emergency planning grants, and search and rescue training. There is much that will help my State.

Frankly, time is of the essence. We would be much better off if this bill had passed last week. We would be better off if it had passed before we took our break for the Memorial Day recess. With each day that goes by, the hard-earned money of the taxpayers of Nevada is being spent. They need help on programs. What is another day? Another day means one more firefighter who is not trained. It means one more police officer who needs additional training. This is not done in a vacuum.

On September 11, the actions of evil people killed about 3,000 men, women, and children—women who were pregnant.

What has happened here is a clear illustration of: Do we really care about those people who are dead? I can't in my mind's eye understand the terror that went through the minds of those innocent people on this airplane who died in an awful way.

That is what this legislation is all about. Can we stop some of that? Of course we can.

There is \$125 million for border security. There is \$100 million so the Environmental Protection Agency can check the vulnerability and assessment of water systems. We have water in Nevada, as we have everywhere. You just pull it out of the lake. We have reservoirs. We can pull the water out of the reservoir. If these evil people would fly an airplane into a building killing not only the people on the airplane but the people in the building, certainly they wouldn't hesitate in a second to poison water and sicken and kill people.

We need to move forward. I am terribly disappointed that we are not moving forward.

I don't know why the President isn't involved. They came down here yesterday with a Statement of Administra-

tion Policy. The Statement of Administration Policy indicates that there are five or six provisions they don't like in the bill. I have no problem with that. The President of the United States has a right to tell us what he doesn't like. But what I don't like is people coming in saying the President is going to veto this bill. There is nothing to veto. If we pass this bill at 6 o'clock tonight, there will be nothing to veto. There is no bill. There is no legislation. We want to get to the House of Representatives so that we can meet and come up with a bill that he can then veto, if he wants to. But as Senator STEVENS said yesterday, it doesn't happen.

We are going to work something out to make the President happy. That is the way it works. We are not going to send him an appropriations bill—especially an emergency supplemental bill—that he doesn't like. He can't use this as an excuse.

My friend from Minnesota is in the Chamber. I am grateful that he came here tonight. I hope tomorrow cloture will be invoked and that we can move forward on this bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Nevada.

First of all, I assume tomorrow there will be time to talk about the supplemental bill. I will not use a lot of time, but we want to finish this work. I am anxious to make a statement on Colombia. Tonight, I would like to talk about this delay. Am I correct there will probably be time to talk about this bill tomorrow?

Mr. REID. If cloture is invoked, there will be 30 hours, of which you will have an hour of your own.

Mr. WELLSTONE. I hope we will not have to do that.

The only thing I would like to say about this supplemental and where we are is I will refer to an article that the Presiding Officer, Senator MILLER, wrote in the New York Times. There is a lot of work to do here. I think people are becoming increasingly impatient because we are supposed to be here to advocate people, and help and work for people. I think the supplemental bill is a really good bill.

I was here the other day talking about one of the most important features that Senator REID was talking about—homeland defense and bumping up veteran health care to the tune of about \$240-plus million. There are gaping holes in this VA health care. It is serious. It is very serious. We have very long waiting lines right now for primary care and for specialty care. We have a moratorium on any additional community clinics. Everybody says they are for the veterans.

Frankly, if you get beyond the Fourth of July and Memorial Day and Veterans Day, the way to speak for veterans is to live up to our commitment to make sure they get good health care coverage which they and

their families deserve and expect. That is just one feature in this bill. It is important.

What bothers me the most is this strategy of delay. It is 10 to 6. We are not going to have any more votes. Our colleagues on the other side of the aisle have pretty much blocked everything for now. We should be having debate and votes, and we should be moving forward. We should pass this bill. People can vote up or down. We have a lot of other priorities.

Again, the Presiding Officer has talked about prescription drugs. In Minnesota, about as important an issue as I can think of is affordable prescription drugs.

Frankly, I also like the proposal, and I am part of this work of reimportation from Canada because there, by strict FDA safety guidelines, you are helping seniors and other working families who cannot afford the price.

But let's get on with the work. Let's have the debate relevant to people's lives, vote up or down, be held accountable—representative democracy at its very best, not at its worst.

Our colleagues on the other side of the aisle are just delaying and delaying, slowing the Senate. The Senate machinery is geared to grind slowly, but what is going on is just an effort to make the Senate a nondecisionmaking body. I do not think we do well for people when we are not a decisionmaking body.

There are those—I am a big advocate—who want to raise the minimum wage. I understand we are going to be dealing with hate crimes legislation, which I think we should.

For my own part, I would put right up there with affordable prescription drugs wanting to get back to funding education because my State of Minnesota believes they have been cheated out of \$2 billion they should have had for the next 10 years. We did it in the Senate; it got blocked in conference committee. The House Republican leaders and the White House opposed it. That would have been a glidepath, full funding for the special education program over the next 5 years, then maintaining that for the next 5 years past that. It would have been \$2 billion more for Minnesota.

Since a lot of our school districts have had to take money from other programs to fund special education because they have not gotten Federal money, 50 percent of it would have been fungible for special education, afterschool, more teaching assistants to help kids who are not doing as well in reading or math, being better able to recruit teachers, being better able to keep teachers, there is important work to do here.

We are not the main player in K-12, but this is a place where we could really make a commitment, and should.

I am anxious to get on with the appropriations process. I am anxious to get funding for education. I am anxious to talk about education and kids.

Frankly, I am anxious to talk about education, prekindergarten all the way through age 65, because I think that is the way we should define education. A lot of our students in Minnesota are 55 and going back to school. They have lost their jobs. They worked for the taconite industry on the range. LTV shut down, and they are going back to school so they can get different sets of skills for different employment opportunities to support their families.

So I would put it to you this way: As I see it, the early years, starting with the little ones, who are all under 4 feet tall and beautiful—we should be nice to them. That is prekindergarten and the early elementary school years. We want to make sure every kid in our country has an equal opportunity. Education is so important.

Then, when people get older, out of school, it is the jobs, decent wages, health care coverage. Then, when people get older than that, it is Medicare, it is Social Security, it is not losing your pension. There is the whole issue of pension reform so we do not see more people cheated and some of them financially destroyed with more Enron kinds of situations.

All of this is before us: pension reform legislation, getting it right for health care, reimbursement, Medicare. A lot of our hospitals in rural Minnesota are being killed right now from inadequate Medicare reimbursement. Hospital people have been here talking about what is going to happen to our ability to deliver care. Children's Hospital here—what is going to happen with cuts in medical education?

Other people are talking about more funding, expanding health care coverage, prescription drugs, education, raising the minimum wage, going after hate crimes, ending the discrimination.

I will finish this way. Tomorrow, we are going to have close to 2,000 people here from around the country; families who have struggled with mental illness. By the way, I do not know that there is a person in the Senate who does not know someone in their own family or a friend who has to struggle with this illness, saying: Treat it like any other illness. End the discrimination in this coverage. Don't tell us that if our daughter is struggling with depression, and we are scared to death she might take her life, that the health insurance plan will cover a couple of days in the hospital and that is it; a couple visits to the doctor and that is it. Treat this illness as any other illness. End the discrimination.

We want to bring this bill to the floor of the Senate. It is bipartisan. Senator DOMENICI has been the leader. I have been fortunate enough to join him. We have 66 Senators. We have the majority of the House on board.

There is a lot of important legislation we can pass that will lead to the improvement of the lives of people we represent.

I come to the floor tonight just to express some indignation at this delay,

delay, delay strategy, slowing the Senate up, making it a nondecisionmaking body, because I think we are not at our best when we operate that way.

I just as soon have at it, have the debate, have the amendments, bring the legislation up for votes; vote yes, vote no. If you want to filibuster, filibuster; have the votes or don't have the votes. But what colleagues are doing now, at 6 o'clock at night—all gone, and will not let us vote on anything else—is making the Senate a nondecision-making body.

Frankly, there is a whole lot we could do to help people. The reason we are here is to help people. We might have different definitions of what it means to help people, so then let's have a debate about that. But, for God's sake, let's deal with the relevant legislation that affects people's lives. And let's do it now. Let's not just continue to grind away and slow everything down and block everything and make it impossible for us to move forward.

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

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. The Senator would agree, would he not, that doing nothing does not meet the needs of the people of Minnesota, the people of Nevada, or anyplace in this country?

Mr. WELLSTONE. I say to my colleague from Nevada, only if you believe that we are here to do nothing is doing nothing defensible in any way, shape, or form. And that is what we are doing right now. Because if you want to gum up the works here in the Senate and block everything and basically make it impossible for us to move forward—which is what our Republican colleagues have done—you can do that. But I will tell you, the people we represent will not be pleased with us if we operate this way.

Mr. REID. Does the Senator know that in this morning's Daily Monitor there is a quote from a Republican—in fact, that is not true. It says: "Senate Republicans say they will not hesitate to slow-walk legislation important to Democrats."

Mr. WELLSTONE. I am sorry. They will not—

Mr. REID. "... they will not hesitate to slow-walk legislation important to Democrats." Is the Senator aware of that statement that was made?

Mr. WELLSTONE. Well, see, I would say to my colleague—and he might disagree about this—there are two different issues here. Listen, if you think a piece of legislation is egregious, and you know the rules, have at it, slow it up. Fine. I have done that. I do not want to be inconsistent.

But when you have a statement like this, which says: We will not be reluctant to slow up legislation that is important to Democrats, then you are playing a different kind of game. Then it is straight partisanship. It has nothing to do with whether you feel strongly about it. It has more to do with a

strategy of basically being able to say: Aha, a majority in a Democrat-run Senate can't get the job done because we will make sure they can't get the job done.

That is not acceptable. Do you know what that is? That is inside party strategy, total reelection stuff, which then means we do not pass affordable prescription drug legislation, we do not get it right for education, we do not get it right on a whole bunch of other issues that are important to people.

Mr. REID. Finally, would the Senator agree that this legislation now before the Senate that is being slow-walked, as the distinguished Senator from Texas said yesterday, and he reminded me he said it today, he felt it was important to "slow the train down"—would the Senator agree that it is not good for the country to slow-walk or "slow the train down," the Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States?

This is an emergency supplemental bill. Does the Senator believe this is something we should be moving expeditiously?

Mr. WELLSTONE. I will just say this to my colleague from Nevada. There are two sets of issues people have, and both of them deal with security. There is an uneasiness about economic security, about the future, about jobs, pensions, good education for kids, health care. It is all there.

The other thing is that people—and with considerable justification—are really worried about physical security. Look what we have been through. People want to make sure that we are going to be able to do everything possible to best defend ourselves, everything possible to head off any kind of attack, everything possible to protect them, to protect their children.

So all of the money for Minnesota and all the other States in the country, for homeland defense, I do not think the people view as a waste. I do not know what the problem is in moving this matter forward. I think people in Minnesota and the people in the country—if they know; and we will make sure they know—disapprove, and for good reason.

I came to the floor to call on my colleagues to get going. Let's do the work. Let's get involved in the work of democracy. Let's not just do delay, delay, delay, all for the sake of some party strategy.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Washington.

#### TRANSPORTATION SECURITY

Mrs. MURRAY. Mr. President, as the chairman of the Appropriations Subcommittee on Transportation, I rise this evening in strong support of the Senate amendment to H.R. 4775, the supplemental appropriations bill for 2002.

During our debate, I have heard complaints from some colleagues that this

bill is beyond the President's request. Members are asking why this bill is larger than the administration's request and why it is larger than the House-passed bill. Our bill is larger because it makes the critical investments we need to make in transportation security.

We have spent months listening to the experts and finding out what investments we need to make. We did that in my own subcommittee, and through Senator BYRD's leadership we discovered the needs through full committee hearings on homeland defense. The President's budget and the House budget do not make the necessary investments in transportation security. Our bill does. That is why it is larger than the President's request.

I want to spend a few minutes explaining what is in our bill because it will prove that these are critical investments that the President and the House have not been willing to make.

For example, our bill funds the Transportation Security Administration. It will improve cargo security. It will enhance the security in and around our Nation's airports. It will improve security on inner-city buses. It will allow the Coast Guard to assess the vulnerability of our seaports. It will ensure that the FAA can meet the staffing needs at our Nation's control towers this summer without stealing from the budget for modernization and safety improvements. It will better reimburse our Nation's airports for the considerable expenses they have incurred due to our new security requirements. Overall, it will address the security challenges we all know are out there.

Before I talk about some of the specifics of the bill, I want to correct the record on one point. I have heard some claim that our bill is \$2.2 billion larger than the House-passed bill. That is simply not accurate. While some in the House claim their bill is \$28.8 billion, it is actually \$30.1 billion when we use traditional, customary Congressional Budget Office scorekeeping. Instead of using that method, they have used accounting gimmicks. For some items in their bill they have actually chosen to use OMB scorekeeping; for example, concerning the delays in the availability of airline loan guarantees.

That point aside, the Senate bill is larger than the President's request and the House request, and one of the largest differences is in the area of transportation security. In this area, the funding level in our bill is \$928 million or 20 percent higher than the administration's request.

It is important to point out that the House of Representatives actually cut the President's request for transportation security. That is why the Senate bill is \$1.244 billion or 29 percent higher than the House-passed bill.

The centerpiece of the transportation chapter of this bill is the \$4.7 billion the committee has included for the new Transportation Security Administra-

tion, or TSA. That amount is more than \$300 million higher than the level requested by the administration and more than \$850 million more than what is provided in the House bill.

First and foremost, the funding provided for the TSA will fully cover the administration's request to implement the recently enacted Aviation and Transportation Security Act that the President signed into law.

The House version of the bill imposes several cuts to the administration's request just at the time that the administration is aggressively seeking to meet the deadlines imposed by the Transportation Security Act. The most daunting of these deadlines is the requirement to screen all checked baggage for explosives by the end of this calendar year.

As many of our colleagues, I have been frustrated with the performance of the Transportation Security Administration in implementing those requirements. There has not been sufficient consultation with the Nation's airports or with Congress, and there has not been a sufficient amount of hiring at the TSA of individuals with transportation backgrounds. But still I don't think the solution to these problems is to impose significant cuts on the resources the administration itself has requested.

As with most of my colleagues, I do a lot of flying. I have witnessed the long lines of passengers seeking to get through airport security checkpoints. I have shared the frustration of clearing the security checkpoint only to be screened at the gate again. Our aviation industry is already suffering due to the fact that the high revenue business travelers who provide 40 percent of the airline's revenues are not returning to the skies.

If the Transportation Security Administration does not succeed at its stated goal of providing high-quality customer service and a short wait to clear airport security, our aviation industry is going to suffer a great deal further.

Secretary Mineta and Transportation Under Secretary Magaw have committed themselves to a national standard where no passenger will wait longer than 10 minutes to clear airport security. Frankly, many of us question whether they will ever achieve that goal. That is why the bill before us contains a requirement that the TSA publish on a monthly basis the actual wait times at each airport. I intend to monitor the TSA's performance in this area on a regular basis.

Another area of great concern to me is that air passengers are treated with dignity as they pass through our Nation's airports. If passengers can be expected to be treated as criminals from the moment they walk into the airport, they are not going to fly. Treating air passengers as criminals is not a formula for helping our airlines get back on their feet.

The administration's TSA budget has gone through a very torturous path. A

full month passed from the time the Bush administration submitted its \$4.4 billion supplemental budget request for TSA to the time Secretary Mineta could sit down with members of our committee and discuss what funds could be used for.

That was not necessarily Secretary Mineta's fault. He was spending that month arguing with the President's Office of Management and Budget on how much money we needed to implement the requirement to screen all checked baggage for explosives. When the noise finally quieted down between the DOT and OMB, the results were, frankly, very disappointing. Rather than deploy a significant number of explosive detection system, EDS, machines that can be easily integrated at the airports' luggage distribution system, the administration has chosen to take a cheaper route. They want to deploy only trace detection machines at three-quarters of our Nation's airports. These trace detection machines are effective at detecting explosives, but they were never designed or intended to be primary explosive detection mechanisms at our airports.

What I find most troubling is the TSA's plan to require more than half of passengers' bags to be opened by Federal enforcement personnel at three-quarters of our Nation's airports. I don't believe the flying public is going to be very warm to the idea that more than half of their luggage will be checked by Federal personnel who will rifle through their baggage in the airports.

As such, the committee has included directives to the TSA to ensure that this regime is implemented with dignity and privacy in mind so passengers will not have to open their baggage in full view of all the other passengers with whom they are traveling.

The committee appropriation for the TSA includes a \$35 million initiative in the area of aviation safety and security that was not requested by the administration. Those funds are to be used exclusively for enhanced perimeter security and terminal security. Unfortunately, it is not necessary to get through the security checkpoints to attack our Nation's aviation system.

A terrorist can do a great deal of damage to our aviation system merely by performing a terrorist act within a crowded airport terminal.

I believe we need a stronger surveillance regime in our airport terminals, and the funding entered by this committee will be used for that purpose.

Also, the record indicates that more needs to be done to ensure that only those individuals who are properly credentialed and qualified are granted access to the secure areas of our airports.

Over the last few months there has been a spate of indictments and arrests of individuals who used falsified documents to gain access to secure areas of our airports. The additional funding provided by our committee will ensure better protection of those areas.



Now, perhaps these are improvements that the OMB considers to be unnecessary security add-ons, but I recommend that Director Daniels review the testimony of both Secretary Mineta and Under Secretary Magaw before making these complaints. Both of those gentlemen identified perimeter security as an area of significant need. That is not adequately funded under the President's proposal.

In the area of port and maritime security, the committee has included several new funding initiatives over and above those requested by the administration.

In the last supplemental appropriations bill, the committee included \$93 million for a new advanced program to beef up security in our Nation's seaports. That \$93 million appropriation elicited almost \$700 million in applications.

In order to better meet that demand, the Senate bill includes an additional \$200 million in the bill and also includes a \$28 million initiative to deploy Operation Safe Commerce.

During our full committee's hearings on homeland defense in April and May, we heard testimony from ADM Richard Larrabee. Admiral Larrabee recently retired from the Coast Guard and became the director of commerce for the ports in New York and New Jersey. He was sitting in his office in the World Trade Center when the terrorists attacked and he lost dozens of his colleagues on that day.

Admiral Larrabee, along with CDR Stephen E. Flynn, Coast Guard, Retired, testified before our Appropriations Committee about the urgency of establishing a security regime to security cargo containers from the point of origin to their domestic destination.

In addition to the work of the full committee on this issue, the subcommittee has held 2 hearings on this issue, hearing from the administration, labor, industry, port authorities, and others in the field. It is difficult to overstate the importance of beginning to deal with this set of issues now.

Over 30 million intermodal containers enter our Nation's seaports each year and, frankly, we know very little about what is in them.

Between the Coast Guard and Customs Service, fewer than 2 percent of those containers are ever physically inspected. The Customs Service has only recently begun to beef up the reporting requirements regarding the content of those containers.

The Operation Safe Commerce initiative in our bill will be deployed at the three largest container load centers in our country. Together, those port areas take in more than 50 percent of the containers that enter our country every year.

It is impossible to exaggerate the damage that could be done to our economy if we are suddenly required to slow down the trade lanes into and out of our country because of security concerns.

This initiative will demonstrate the art of the possible when it comes to improving security of container shipping.

Also, within the amount provided for the TSA, the committee provided \$20 million for improved security for over-the-road bus operators.

I wish to particularly commend the leadership of my colleague from Georgia, Senator MAX CLELAND, on this issue. As he notes, intercity bus transportation is part of our country's vital infrastructure. The Nation's intercity bus operators are just beginning to use the most rudimentary methods to better ensure security of bus passengers. Given the frequency with which we see terrorists overseas use buses as a venue for horrific acts of terrorism, this is the minimal investment we should be making in this area.

The Senate bill provides slightly more than \$666 million for the U.S. Coast Guard. Those funds will be used to accelerate the Coast Guard's planned vulnerability assessments of our Nation's seaports.

Funds will also be used to expedite procurement of critical surface and aviation assets and to launch a new maritime domain awareness program to dramatically improve the Coast Guard's readiness to deal with domestic terrorist threats.

During our committee's hearing with Admiral Larrabee, we were disappointed to hear that the Coast Guard doesn't plan to conduct its vulnerability assessment of the second largest shipping port in the United States for 2 years. The committee did not consider that to be a satisfactory plan. So our bill grants the Coast Guard funds to expedite these port vulnerability assessments across the country so we can better secure these gateways of the globe.

The bill also includes \$115 million that was not requested by the administration for the emergency funding needs of the Federal Aviation Administration. Since September 11, the FAA has had to spend at least \$100 million to dramatically enhance security around its own critical air traffic control towers.

As a result, the FAA now finds itself \$100 million short of the amount it needs to provide critical overtime expenses for air traffic controllers as we enter the busy summertime travel season.

Senators will remember, as I do, that during the two summers prior to September 11, air transportation in our country was rife with delays. If we don't adequately fund the shortfall in overtime at the FAA, we can expect to experience those delays again.

The administration's budget proposed to meet this \$100 million shortfall by transferring funds already appropriated to improve air traffic control equipment, safety, and capacity. To me, that is not a responsible solution. We are years, if not decades, behind where we need to be in modernizing our air traffic control system,

and we have huge, unmet needs at our airports.

That is why our bill provides the \$100 million needed to pay for the air traffic controllers without stealing from those other accounts.

The Senate bill also includes an additional \$100 million to better compensate the Nation's airports for the security costs they have incurred since September 11. Last year, the committee appropriated \$175 million for that purpose.

But the airports committed almost \$500 million in costs to the FAA for this funding. This additional \$100 million will better reimburse the Nation's small, medium, and large hub airports for the costs associated with the security directives issued by the FAA since September 11.

Finally, separate from the issue of homeland defense, the bill includes a provision drafted by Senator HARRY REID and myself authorizing a higher obligation ceiling for the Federal Aid Highway Program for fiscal year 2003.

As Members should be aware, the administration's budget proposes that overall highway funding to the States be drastically slashed by \$8.6 billion next year. That represents a cut of more than 27 percent.

Senator REID serves as the chairman of the authorizing subcommittee for highways, and the provision he and I drafted will ensure that, as part of the appropriations process for 2003, the Appropriations Committee will restore at least \$4.5 billion of the President's cut and perhaps as much as \$5.7 billion.

I believe my colleagues will agree that during this uncertain time in our economy, we must do our best to avoid the President's proposal to slash thousands of jobs and cut our investment in our Nation's transportation infrastructure.

The provision included in this bill—authorized by Senator REID and myself—will go a long way toward that goal.

I also thank my colleague from Alabama, Senator SHELBY, the ranking member of the Appropriations Subcommittee on Transportation, for his assistance in developing the transportation chapter of this bill.

I also thank Senator BYRD and Senator STEVENS for the bipartisan leadership of the Appropriations Committee and for their receptive approach to the views of our subcommittee. Both leaders demonstrated needed vision and commitment to exploring and understanding these issues of critical importance to our Nation's security and prosperity.

I believe the transportation chapter of this bill represents a strong, comprehensive approach to our homeland security needs, and I look forward to arguing for every dollar of this funding when we go to conference with the House of Representatives.

Each item was developed with thought and care. Each item represents an investment that needs to be made.

Each item will help build a more secure America.

The critics of this bill, and those who are impeding progress, put those investments at risk. I ask: What investment in airport security don't you want to make? What investment in seaport security don't you want to make? What will you say to the American people—our soldiers and sailors who are defending the Nation—when we don't make these needed investments?

This is a reasonable bill. It takes a reasonable approach to investing in America's security needs.

It was reported unanimously by our committee, and I hope the Senate can dispense with the delays and get on with passing this very important bill. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to briefly speak about the legislation before us and to lend my support to the supplemental appropriations bill. I commend Chairman BYRD and Senator STEVENS for a job well done. They took extensive testimony in many hearings to determine the needs for homeland security, as well as many other needs, and they have incorporated those provisions in this bill.

I also salute and commend my colleague from Washington State, Senator MURRAY, for giving an excellent discussion of the transportation aspects of this bill. She indicated the detailed and the careful deliberation that went into the crafting of this legislation and suggested also the reality that was confronted by the committee in hearing testimony from witnesses who indicated it might take up to 2 years to do a survey of a port when, in fact, the American people are demanding action immediately, not 2 years from now—when the threat is immediate, not hypothetical or 2 years removed.

As a result, I find it ironic, to say the least, that opponents of this bill would simply say we will sacrifice all the needed expenses because the total that we recommend is higher than that recommended by the President of the United States.

Frankly, if you asked most Americans, they would say we are not spending enough on homeland security. If you asked them how much they would want us to spend, it would be: Spend as much as you need to ensure not just one port or one airfield but every port and every airfield, and to ensure every community in America is protected. That is what this bill attempts to do.

This is a downpayment on a much larger bill because the issues and threats we confront will not be banished within a few weeks or a few months. It is long term, ongoing, requiring a tremendous commitment of resources. This is a good downpayment and one that I support wholeheartedly.

The legislation includes within its provisions \$14 billion for the cost of our operations in Afghanistan. To delay

this bill any longer because of some objections or some overall objection and compromise for delaying funds for Afghanistan, to me, is inconceivable. We have those resources which we must commit and we must spend immediately.

The bill also includes \$5.5 billion for the recovery of New York City—again, expenses that we cannot ignore, cannot defer. We have to respond.

There is \$4.4 billion for aviation security, once again, a critical aspect of our response to the very real threats we face today because of terrorist attacks on the United States.

The bill contains \$1.95 billion for international programs to aid the war on terrorism. These are important complements to our military operations. The administration speaks often, and correctly, about draining the swamp where the terrorists reside. That cannot be done by wishing it away. We have to have resources to deal with profound problems across the globe—inadequate education systems, the overall threat of poverty, lack of economic development—all of those factors that contribute directly sometimes, but certainly indirectly, to the atmosphere that encourages terrorism, encourages those who attack us.

I just returned, with some of my colleagues, from a conference of defense ministers in Singapore. If we look across the globe, this threat is very real and very sobering. We need resources to mount a counteroffensive. Those resources are not just military, they also involve assistance to local governments that are assisting us by intelligence operations, by using their military forces and their intelligence apparatus to help us in this war on terror. For all these reasons, we need to pass this bill and do it promptly.

One of the major provisions of the bill is \$3 billion for homeland defense, and that incorporates many issues—first responders, police and fire—to make sure these very brave men and women have the materials and the know-how to confront a wholly different threat. I do not think anyone conceived even a year ago that our police and fire departments would be at the front lines of sophisticated attacks by terrorists against the United States, involving mass casualty operations and massive destruction, yet they are. We have to give them the tools to do the job, to protect themselves, and to protect the communities they serve so well. Those provisions are within this bill also.

We have to protect our nuclear facilities. It was shocking to me—and again this goes to the credibility of the administration saying they oppose this bill because we are spending too much. It was reported recently in the press that the authorities responsible for protecting our nuclear facilities asked for considerably more money and were told by OMB: No, we cannot afford it.

We are not going to accept that answer. We want those facilities pro-

tected. Where there are nuclear powerplants, where there are nuclear facilities of the Department of Energy throughout this country, we want those facilities guarded, protected to prevent a catastrophic terrorist attack. That is one aspect of this bill which is important also.

We also have to recognize the issue of biological terror. We witnessed firsthand in this Senate a biological attack. It is expensive, and we simply cannot wait for the next attack. We have to anticipate and, through our wise preventive actions, we hope preclude any type of attack. But that is not the result of wishful thinking and hoping it will not happen. That is putting real resources into prevention, into response, into those things that will prepare us for any type of mass casualty attack—biological, nuclear, or even a conventional weapon that is deployed against our people.

I believe the chairman, the ranking member, and the subcommittee chairmen and women and their counterparts, the ranking members, have done a very good job responding to the concerns.

In the Appropriations Committee when I sat and listened to this testimony from the people who are responsible in the Federal Government, at the State level, and in the local communities, I did not hear: You are spending too much. I heard: We need more help; we have to be responsive. Their position is not sitting here in Washington, it is literally on the front lines of this war on terror.

If we listened to the men and women who are directly responsible for protecting the American people from terrorist threats, I think they would say in a very strong and uniform chorus: Pass this bill now. It is not too expensive. In fact, it is simply a downpayment on significant costs we will face in the foreseeable future.

Our enemies are implacable. They are determined. They are reorganizing to strike again, and if we do not seize the moment and put the resources into a concerted, deliberate, expeditious effort to protect the American people, we will regret it and the American people will suffer the consequences. I urge we pass this legislation as quickly as possible.

I yield the floor.

#### SENATOR AND MRS. BYRD'S 65TH WEDDING ANNIVERSARY

Mr. BYRD. Mr. President, a week ago today, on the 29th of May, I was fortunate to celebrate 65 years of marriage, 65 years of wedded bliss—in this day and age, a somewhat uncommon occurrence. I am sorry this is so, for I wish that more people could know the joy I have had in finding one's soulmate early in life and then sharing that deep companionship over many happy years.

In the 16th century, John Ford wrote: The joys of marriage are the heaven on earth,

Life's paradise, great princess, the soul's quiet,

Sinews of Concord, earthly immortality,  
Eternity of pleasures; no restoratives  
Like to a constant woman.

Mr. President, my strength, my comfort, was born Erma Ora James, the daughter of a West Virginia coal miner. She was my childhood sweetheart. We married in 1937, in a time of great hardship and trial. Together, we have seen great changes in the world—a world war and numerous other conflagrations around the globe, the dawn of the nuclear age, the advent of space exploration, the collapse of communism, breathtaking medical advances, astounding technological growth, rapid social changes, and resurgent terrors. We have known the highs of life and we have known the lows of family life—the delight of two fine daughters growing up, marrying, and having children of their own; the tragedy of the loss of a grandson; the indescribable love of holding newborn great granddaughters in our arms. For two hillbillies—that is what we are, two hillbillies—from West Virginia, it has been an exciting and wild ride, and I am glad I have had Erma to share it.

In my mind's eye, Erma Byrd will always be that sweet, young girl who allowed me to woo her with candy and chewing gum that were given to me by another schoolmate. She is a strong woman, but she is a quiet woman—even somewhat shy. I know she would rather that I were not speaking right now, and that is just the way she is—never seeking the limelight, keeping her focus on her family and her home. Being the wife of a Senator has never impressed her. She never developed any airs of self-importance, and she has never let me develop any airs either—although some people may think otherwise. She keeps me grounded, or, as my old mom used to say, she never lets me “get above my raising.” When I start to get a bit too proud, puffed up with my own accomplishments, she doesn't pop my balloon but, rather, knows how to gently deflate it before it swells too large. But she has always been there for me, helping me to campaign, always making herself available to the people of West Virginia. She is my biggest cheerleader and she is my kindest critic.

Erma has always been an equal partner in our marriage. Her domain is the home, where she rules as a benevolent dictator. There I am not Senator, just ROBERT. I mop the kitchen floor for her each Saturday morning—or I used to up until about a month ago. She will admit that I don't do the windows. When the duties of the Senate filled all my waking hours, and when I was going to school at night to earn my law degree, Erma kept the home fires burning. She took the lead in bringing up our two daughters, teaching them to be the fine women, mothers, and grandmothers they are. Without her help and her support, I could not have put the level of effort into my work that the

people of West Virginia deserve and have come to expect; I would not have a law degree. Erma proves the old adage that “behind every successful man is a successful woman.” Perhaps Alfred Lord Tennyson put it better when he wrote in “The Princess” as follows:

The woman's cause is the man's: they rise or sink together.

Mr. President, together, Erma and I are complete and whole, a total that is more than the sum of its parts.

The 65th wedding anniversary is, by tradition, a diamond anniversary. In my life, Erma Ora Byrd is the diamond. She is my strength in times of fear, my comfort in times of sorrow, my perfect complement. She is a priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense. She is the reservoir of serenity at which one can slake the thirst of a stressful day.

I can only thank her and thank the Creator that she has put up with me for 65 years and now 1 week.

Mr. President, I would like to close with the words of Charles Jeffreys in a poem he titled “We Have Lived and Loved Together.” I dedicate it to my wife Erma and to all the lucky, happy couples who have, like us, been fortunate to spend a lifetime together. To the young married people who work for me, to all who are starting on their married lives together, I wish them well, and I hope that someday this poem will speak for them as well.

We have lived and loved together  
Through many changing years;  
We have shared each other's gladness  
And wept each other's tears;  
I have known ne'er a sorrow  
That was long unsoothed by thee;  
For thy smiles can make a summer  
Where darkness else would be.

Like the leaves that fall around us  
In autumn's fading hours,  
Are the traitor's smiles, that darken  
When the cloud of sorrow lowers;  
And though many such we've known, love,  
Too prone, alas, to range,  
We both can speak of one love  
Which time can never change.

We have lived and loved together  
Through many changing years,  
We have shared each other's gladness  
And wept each other's tears.  
And let us hope the future,  
As the past has been will be:  
I will share with thee my sorrows,  
And thou thy joys with me.

Mr. President, I yield the floor.

#### JUDGE EUGENE SULLIVAN

Mr. THURMOND. Mr. President, I rise today to pay tribute to Judge Eugene R. Sullivan of the U.S. Court of Appeals for the Armed Forces.

Since his graduation from West Point, Judge Sullivan has worked diligently to ensure the betterment of our National being. He first proved himself as an Airborne Ranger in Vietnam. His gallantry earned him the Bronze Star and the Air Medal, to name just a few of his decorations.

Upon leaving the Army, Judge Sullivan has led a most amazing life. He first graduated from the Georgetown University Law Center. Following his time at Georgetown, Judge Sullivan went on to work for the law firm of Patton-Boggs. During his tenure there, he had the privilege of serving on the Defense Team for President Richard Nixon.

In the years following, Judge Sullivan returned to public service as an attorney for the Justice Department and as the General Counsel for the United States Air Force. In addition to his duties as General Counsel, the Judge also served as the Chief Legal Advisor to the National Reconnaissance Office and eventually as the Governor of Wake Island. His service was most exemplary.

Since 1986, Judge Sullivan has served as a member of the Federal bench. Many of us had the privilege of presiding over his appointment and his subsequent confirmation as the chief judge of the Court of Appeals for the Armed Forces.

In closing, I want to publicly thank Judge Eugene Sullivan for his service and dedication to our Nation. Moreover, I thank him for being my friend and wish him all the best in his future endeavors.

#### ENERGY BILL CONFERENCE

Mr. BINGAMAN. Madam President, about 2 weeks ago I urged that the House leadership go ahead and appoint conferees for the energy bill on which we should be in conference at this point.

As Senators will remember, we passed the energy bill in the Senate on April 25. The respective leaders of the two parties appointed conferees on May 1. Since then, we have not seen any action on the House side to appoint conferees so we could begin a conference with the House of Representatives on this very important bill.

The House bill is in excess of 500 pages. The bill we passed in the Senate after 6 weeks of floor debate is nearly 1,000 pages in length. It will take several weeks to come to agreement on a joint proposal we can take back to the two Houses and, hopefully, to the President.

The sooner we can get started, the better for everyone's point of view. It is in the country's interests that we try to resolve the differences between the House and the Senate and try to enact an energy bill this year. As long as we do not have conferees named on the House side, that makes it extremely difficult. I, again, urge the leadership on the House side to appoint their conferees.

When I raised this issue last month, one of my colleagues announced he had heard that the House of Representatives was going to appoint its conferees on the first day back after the recess. Well, that would have been yesterday, and we still don't have any forward

motion. I am getting ready to borrow Senator LOTT's bloodhounds to go looking for the House conferees.

We have an immense undertaking before us in terms of getting a balanced and comprehensive energy bill to the President's desk. The House bill is over 500 pages and the Senate bill is nearly 1000 pages. There are some similarities between the bills, but some very important differences, as well.

Conferences on authorizing legislation are never easy. The bioterrorism bill, for example, took months to conference. The bankruptcy bill has been in conference for over a year. To have a successful conference on the energy bill will take a lot of careful planning on the part of the leadership on both sides in both Houses of Congress. As I mentioned before the recess, even the most elementary questions, such as who should chair the conference, seem to be in dispute, although I think that the precedents are clearly in the Senate's favor.

We need to get going, and the actual naming of conferees by the House of Representatives, whenever it happens, will only be a start to a process of figuring out how the conference will be structured, whether there will be sub-conferences, and which issues to address first. I am anxious to start to work with whomever the House of Representatives decides will be my counterpart to initiate the organizational discussions.

To be most effective with the use of our time, we may have to think about taking on the big issues first to see if there is an overall energy bill that can achieve a critical mass of support on both sides of both House and Senate. If we adopt an incremental approach of working on minor issues first, and leaving all the hard issues to the end, we may be still working on clearing the legislative underbrush in December.

I hope that we can see some progress soon on starting the energy conference.

#### SUPPLEMENT TO RULES OF PROCEDURE

Mr. GRAHAM. Mr. President, pursuant to rule XXXVI, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD a supplement to the Rules of Procedure of the Select Committee on Intelligence for purposes of the joint inquiry into the events of September 11, 2001, being conducted by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

I ask unanimous consent they be printed in the RECORD.

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

SENATE SELECT COMMITTEE ON INTELLIGENCE—SUPPLEMENTAL JOINT INQUIRY RULES

In connection with the Joint Inquiry with the House Permanent Select Committee on

Intelligence into the events of September 11, 2001, authorized by the Senate Select Committee on Intelligence ("SSCI") pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, and Rule 6 of the SSCI's Rules of Procedure, and pursuant to Rule XXVI.2 of the Standing Rules of the Senate, the SSCI adopts the following Joint Inquiry Rules to supplement the SSCI's Rules of Procedure for purposes of the Joint Inquiry only:

#### JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. The SSCI may conduct hearings jointly with the House Permanent Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of both the SSCI and the House Permanent Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

#### JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

2.2. Subpoenas for the attendance of witnesses, or the production of documents, records, or other materials, at hearings may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly.

#### JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the SSCI shall be considered part of the record of both Committees.

3.2. Subpoenas for depositions and notices for the taking of depositions may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly, and shall be issued and served as provided in SSCI Rule 7. Deposition notices shall specify a time and place of examination and the name or names of Committee members or staff who will take the deposition. Depositions shall be in private and shall, for purposes of the rules of both Committees, be deemed to be testimony given before the Committees in executive session.

3.3. Witnesses shall be examined upon oath administered by a member of the SSCI or by an individual authorized by local law to administer oaths. Questions may be propounded by members or staff of either Committee. If a witness objects to a question and refuses to testify, the Committee members or staff present may proceed with the deposition, or may, at that time or subsequently, seek a ruling on the objection from the Chairman of the SSCI or any member of the SSCI designated by the Chairman. The SSCI shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer by the Chairman or a member designated by the Chairman.

3.4. Procedures for the attendance of counsel for witnesses at, and for the inspection, correction, and filing of transcripts of, depositions shall be as provided in SSCI Rules 8.4 and 8.7.

#### PROFESSIONAL BOXING AMENDMENTS ACT OF 2002

Mr. McCAIN. Mr. President, on May 22, I was joined by my colleague, Sen-

ator DORGAN, in introducing the Professional Boxing Amendments Act of 2002. This legislation would strengthen existing Federal boxing laws by making uniform certain health and safety standards, establish a centralized medical registry to be used by local commissions to protect boxers, reduce arbitrary practices of sanctioning organizations, and provide uniformity in ranking criteria and contractual guidelines. This legislation would also establish a Federal regulatory entity to oversee professional boxing and set uniform standards for certain aspects of the sport.

Since 1996, Congress has acted to improve the sport of boxing by passing two laws, the Professional Boxing Safety Act of 1996, and the Muhammad Ali Boxing Reform Act of 2000. These laws were intended to establish uniform standards to improve the health and safety of boxers, and to better protect them from the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations.

While the Professional Boxing Safety Act, as amended by the Muhammad Ali Act, has had some positive effects on the sport, I am concerned by the repeated failure of some State and tribal boxing commissions to comply with the law, and the lack of enforcement of the law by both Federal and State law enforcement officials. Corruption remains endemic in professional boxing, and the sport continues to be beset with a variety of problems, some beyond the scope of the current system of local regulation.

Therefore, the bill we are introducing today would further strengthen Federal boxing laws, and also create a Federal regulatory entity, the "United States Boxing Administration", USBA, to oversee the sport. The USBA would be headed by an Administrator, appointed by the President, with the advice and consent of the Senate.

The primary functions of the USBA would be to protect the health, safety, and general interests of boxers. More specifically, the USBA would, among other things: administer Federal boxing laws and coordinate with other Federal regulatory agencies to ensure that these laws are enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the status and standards of the sport. The USBA would license boxers, promoters, managers, and sanctioning organizations, and revoke or suspend such licenses if the USBA believes that such action is in the public interest. No longer would a boxer like Mike Tyson be able to forum-shop for a State with a weak commission if he is undeserving of a license.

The fines collected and licensing fees imposed by the USBA would be used to fund a percentage of its activities. The USBA would also maintain a centralized database of medical and statistical information pertaining to boxers in the

United States that would be used confidentially by local commissions in making licensing decisions.

Let me be clear. The USBA would not be intended to micro-manage boxing by interfering with the daily operations of local boxing commissions. Instead, the USBA would work in consultation with local commissions, and the Administrator would only exercise his/her authority should reasonable grounds exist for intervention.

The problems that plague the sport of professional boxing compromise the safety of boxers and undermine the credibility of the sport in the eyes of the public. I believe this bill provides a realistic approach to curbing these problems, and I urge my colleagues to support this proposal.

#### TUNA PROVISION IN THE ANDEAN TRADE PREFERENCES ACT

Mr. AKAKA. Mr. President, I rise today to express my deep concern with the tuna provision in the Andean Trade Preferences Expansion Act (ATPEA) portion of the Trade Act of 2002. The purpose of ATPEA is to encourage economic opportunities other than drug production and trade in Andean nations. Previously, canned tuna has not been included in the list of items given preferential tariff treatment. The provision included in the Trade Act would authorize the President to extend duty-free treatment to a specified level of imports of canned tuna from Andean nations.

The Philippines, an important ally in the war on terrorism, is likely to be harmed economically by the unintended consequences of this action. The canneries and most of the tuna fishing fleet of the Philippines are based on the island of Mindanao. The tuna industry directly accounts for 45,000 jobs on Mindanao and approximately 105,000 people are employed in supporting industries. These jobs are being risked by the Andean Trade Preferences Act.

It is also important to note that the Abu Sayyaf, which is believed to be linked to the al-Qaida terrorist network, operates in the Mindanao region. The Abu Sayyaf organization has been responsible for kidnappings, executions, and bombings. U.S. Armed Forces are assisting the Philippines in combating the terrorist group. Providing preferential tariff treatment to tuna from Andean nations has the possibility of destabilizing a region in which we have U.S. troops involved in anti-terrorism operations.

It is my hope that the conferees can effectively address this important national security issue and prevent economic disruption in a region where a war on terrorism is being fought.

The tuna tariffs reveal a need for enhanced coordination of trade preferences. A thoughtful strategy of balancing trade preferences must be developed to prevent future policy inconsistencies in the future.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 7, 1993 in Azusa, CA. A gay man was beaten to death. The attackers, Joshua Swindell, 21, and Steven Matus, 17, were charged with murder and committing a hate crime in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### INITIAL SCOPE OF JOINT INQUIRY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Initial Scope of the Joint Inquiry into the events of September 11, 2002, being conducted by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, be printed in the CONGRESSIONAL RECORD.

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

##### PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE AND HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE ADOPT THIS INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is—

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about—

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community

to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks, or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001)

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

#### BROWNBACK-CORZINE AMENDMENT TO THE ENERGY BILL

Mr. BROWNBACK. Mr. President, I want to engage the Senator from New Jersey in a colloquy regarding our amendment, Senate amendment number 3239, which was adopted by the Senate and became Title XI of the final Senate energy bill. In particular, I would like to clarify the intended role of the Department of Commerce in implementing the greenhouse gas reporting system and registry that our amendment would create.

Mr. CORZINE. I believe the intent of the amendment in this regard is that the Department of Commerce would primarily be involved in developing measurement standards for monitoring of emissions, as well as verification technologies and methods to ensure the maintenance of a consistent and technically accurate record or emissions,

emission reductions and atmospheric concentrations of greenhouse gases for the database. This is clearly stated in Sections 1103(b)(2) and 1106(a)(2)(D) of the bill. Within the Department of Commerce, it is my intent that these functions would primarily be carried out by the National Institute of Standards and Technology, or NIST. Is this also the intent of the Senator from Kansas?

Mr. BROWBACK. I concur with my colleague that NIST is the intended organization within the Department of Commerce that would primarily be responsible for carrying out the Department's role in implementing Title XI of the energy bill. I thank the Senator from New Jersey for joining me in this colloquy.

Mr. CORZINE. I thank the Senator from Kansas for his work on this important issue.

#### ADDITIONAL STATEMENTS

##### TOWN OF DUBLIN CELEBRATES 250TH ANNIVERSARY

• Mr. GREGG. Mr. President, I rise today in honor of the great town of Dublin, New Hampshire. This year, as our Nation observes the 226th anniversary of our independence, Dublin will celebrate the 250th anniversary of its founding. It is therefore timely and appropriate that we recognize this unique New Hampshire community.

Dublin's rich history is closely entwined with that of our country's. Its first settler was William Thornton whose brother, Matthew Thornton, was a delegate to the Continental Congress and one of the signers of the Declaration of Independence. In fact, Matthew Thornton, although he never lived there, was one of the original proprietors of what was then called Monadnock No. 3 but soon became known as Dublin after the Irish city. Although the "winds are often strong," as described in the official history of Dublin, the air "is pure and bracing" and the location proved to be ideal. By the year 1775, the town's population had rapidly increased to 305 people. Many came from the Colony of Massachusetts seeking greater economic opportunities and were undoubtedly drawn by the area's natural beauty, dominated most notably by Mount Monadnock.

As our country strived to build a government free of British control, so too did Dublin. In a tradition that continues to this day, the citizens elected Thomas Morse, Henry Strongman and Benjamin Mason to the Town's first Board of Selectmen. Of course, New Englanders, and New Hampshireites in particular, are known for their fierce independence. It is no surprise then that twenty-six Dublin residents fought in the American Revolution. At least four town residents were at the Battle of Bunker Hill—Jonathan Morse, Richard Gilchrist, Thomas

Green and John Swan. Richard Gilchrist vividly demonstrated the ideals of courage and honor by carrying upon his back from the field of battle Thomas Green, who had been severely wounded in that fight. Jonathan Morse later served at the battles of Bennington, Ticonderoga and Monmouth. He was later described by a friend as being "so humane and honest, so rough and ready that, had he lived to this time, he might have been President of the United States." I am sure that such a sentiment could describe many other past and present citizens of Dublin.

To this day, Dublin continues to be a vibrant community with a population of over 1400 people. Dublin is home to Yankee Magazine, which wonderfully chronicles New England's culture, and the Old Farmers Almanac. As a side note, I would point out that since it was first published in 1792, the Almanac has never given an incorrect weather forecast. Because of how this town perfectly embodies this way of life, it became a well-known summer resort for artists and families from around the country. One of the most famous visitors was Mark Twain who spent the summers of 1905 and 1906 here. His love of the town was clearly evident. His response to a reporter's question that "Dublin is the one place I have always longed for, but never knew existed in fact till now" best captures the special feeling Dublin has on those who live there and those who simply pass through its borders.

So, on this the 250th anniversary of Dublin, we salute its citizens and honor their accomplishments, their love of country and their overwhelming spirit of independence. •

##### WE THE PEOPLE

• Ms. CANTWELL. Mr. President, on May 4-6, 2002, students from Tahoma High School in Washington State joined more than 1,200 students from across the United States in Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution 2002 National Competition.

As a result of their hard work and preparation, the team from Tahoma High won an honorable mention award in the national finals, becoming one of just 22 schools from all across America to come away from the national finals with an award. I congratulate all the students who participated: Heather Aldrich, Laura Baily, Andy Bauer, Travis Beckett, Lance Bishop, Jonathan Bongard, Sheena Clark, Aimee Craig, Mike DeSisto, Casey Dillon, Kiran Garcha, Tyler Hawks, Katie Kennedy, Rebecca Kennedy, David Knotts, Alissa Loudiana, Julia Lowe, Ryan Marsh, Jamaica Morris, Michaela Soldano, Kellie Stendal, Stefanie Waldron, Emily Walters, Ryan Wells, and Jessica Woodell.

This competition marks the eighth consecutive year that students from Tahoma High School have represented

the State of Washington at the national finals. I recognize the dedication of the Tahoma High School faculty, particularly Stephanie Davis, the team's advisor, as well as the hard work and commitment of the students who have made this tremendous accomplishment possible.

Successful participation in the We the People program requires students to achieve a high caliber of constitutional knowledge. During the three-day national competition, the students presented oral arguments on constitutional topics before a panel of judges. Their testimony was followed by a period of questioning by the judges, who probed the depth of their understanding and ability to apply their constitutional knowledge.

Again, I applaud the accomplishments of the Tahoma High School team. I am confident that their success in the national competition will prove to be a useful tool later in their lives as they continue to participate in the governance of our Nation. •

##### WOMAN OF MONTANA ESSAY WINNERS

• Mr. BURNS. Mr. President, I would like to congratulate the winners of the American Association of University Women "Woman of Montana" essay contest, Gina Young. Her essay is entitled "Rehbein." I also congratulate Maureen Sullivan. Her essay is entitled "Effie Dockstader Holmes: A Woman for All Seasons."

The essays follow:

##### REHBEIN

When I think of a woman who has dedicated most of her life helping Montana citizens, I think of my grandmother, Mary Alice Rehbein. For fifty years, she has served the state of Montana in the field of public health. During her years of work and dedication, she has earned the respect of people all over Montana, including myself. From her I have learned how to set goals, to accept the differences of others, and to be responsible for myself.

R represents responsibility. Mary Alice Rehbein was born in Jamestown, North Dakota, July 20, 1918, to Ed and Mary Louise Barnhart. She had only nine short years to learn the responsibilities and lessons of life from her mother. At the age of nine, Mary Alice lost her mother to breast cancer. After that tragic death, her father could not stand the loss and moved away from Jamestown leaving Mary Alice to be raised by very strict, practical, but loving grandparents. Her grandparents felt that an education was an absolute must. Mary Alice knew that an education was the only way she would be able to survive in the future.

E stands for her life-long education. Mary Alice Rehbein graduated from high school in 1937. She attended business college for two years while selling insurance. Mary Alice realized that she was not going to be very successful at this career because she was a woman. This was the time in Mary Alice's life that she needed to re-evaluate her career choice and money situation. She finally withdrew the last seventy-five dollars remaining of her mother's life insurance policy. Mary Alice found that she could enroll in nursing school for exactly that amount, so she jumped at the chance of a lifetime and



invested her last penny in her education. Mary Alice's lifetime of nursing and honors began upon the completion of her nursing degree in 1943.

H symbolizes Mary Alice Rehbein's various honors. She has been recognized and received numerous awards throughout her years of service. Some of her honors include Sidney's "Woman of the Year" award; the Montana State Department of Health's Public Health Nursing Award for Outstanding and Meritorious Work; an award from the Montana State Mental Health Association; an award from the National League of Nursing Board; and the Dr. Mary Souls Nursing Award, which is the highest honor bestowed on a nurse in Montana and North Dakota. Mary Alice has also held many prestigious offices. She served as a representative to the National League of Nursing Advisory Board for the Western Region of the United States; held the position of the vice-president for the State Nurses Association; and is currently the President of the Montana Nursing League and a member of the Governor's Advisory Board for Aging. Each honor and position has recognized her leadership and the services she has given to public health for the state of Montana. Mary Alice Rehbein is proud of her honors and offices, but she feels the greatest reward has been to provide beneficial health care to the citizens of the community.

B portrays how beneficial Mary Alice has been to people of Montana. She was the Richland County Health Nurse for forty-five years. During her years of working she saved lives, helped deliver babies, gave shots to patients for illness and immunizations, checked children's posture and teeth, administered medical attention to the rural areas with orders from the doctors, provided nursing care to schools, monitored blood pressures, and provided home health care for those in need. She has traveled to every state, with the exception of Maine and Alaska, as well as to hospitals in Australia, New Zealand, and Russia. In each of her expeditions she studied, shared information, and acquired knowledge about the availability and kinds of community health. Mary Alice Rehbein has enjoyed her nursing career.

E denotes all of her efforts and enjoyment. Mary Alice has spent a lifetime providing nursing service and teaching people about health care. Nothing has been more fulfilling than to see the joy of people, at any age, caring about their health, says Mary Alice, and to employ new nursing ideas.

I exemplifies the innovative nursing ideas Mary Alice has brought to Eastern Montana. Besides the general health program that Mary Alice Rehbein ran, she was responsible for the Alcohol and Drug Abuse program until it had funding of its own. She ran the monthly, blood pressure clinics for Richland County and was active in finding ways to provide immunization clinics to isolated residents. In the 1950's, she began encouraging the Mental Health professionals of Montana to provide services to people in outlying areas of Eastern Montana. She has been instrumental in providing home health care to many people who could not get or afford health care. In addition, she provided hospice care. Mary Alice says that nursing is one profession that will not be replaced with total technology, since people will always need "hands on" nursing care.

N depicts the profession of nursing. Mary Alice Rehbein is the oldest, insured, and licensed nurse in the state of Montana. After her numerous years devoted to helping the residents of Montana, she has retired as Richland County Public Health Nurse. In her free time she visits lonely people who do not have families to talk to, she looks in on people who need nursing care, she continues to

stay up-to-date on the latest nursing trends, and she still makes time to take blood pressures in her small community.

Out of all of the women who have helped the state of Montana, Mary Alice Rehbein has been one of the most remarkable. She has dedicated her life to helping the people of Montana and has instilled in me the belief that the true treasure of life is a person's health. Therefore, I believe Mary Alice REHBEIN is one of the Great Montana Women.

#### EFFIE DOCKSTADER HOLMES, A WOMAN FOR ALL SEASONS

The door flew open after a sharp knock and a young man burst in. "Effie, come quick! There's been a terrible accident." My grandmother, Effie Clark Dockstader Holmes, quickly gathered up her medical bag and some clean sheets and set out on a run with the young man. My grandma was a registered nurse, the original one woman QRU for Bigfork. Townsfolk came to Effie with all sorts of medical problems, especially for emergencies or accidents. Over the years Effie dispensed comfort, consolation and healing, saving lives and improving the quality of life for many Bigfork residents. Effie never failed to respond.

One tragic incident is still very much alive in her memory. "The little girl just lay there. It didn't look good; it was very serious." The child had been accidentally run over by a family friend. My grandma could see that there was little she could do herself for the child's massive injuries. But it would be too late when an ambulance got to Bigfork. So Effie started to Kalispell with the little girl in her car. However the journey was short when the child died on the way to the hospital. My grandmother delivered the devastating news to the family. "It was very hard, and I shouldn't have been the one to do it, but no one else wanted to . . ." My grandma received the Bigfork Citizen of the Year Award in recognition of her contributions to her community.

In 1917, my grandmother and her family left Kansas for their new home in Montana. The long, arduous trek in a Model-T Ford took almost a year. The Clarks homesteaded a parcel of land on the east shore of Flathead Lake. After attending grade school in Bigfork, Effie had to live with a family in Kalispell during the week while going to Flathead High School since the trip from Bigfork was too long to make each day.

My grandma went on to college at Sacred Heart School of Nursing in Spokane, Washington after high school. Bigfork held a dance at the Town Hall to celebrate the momentous event of Effie's departure for college. She was a trailblazer for her time. After graduation, she took a nursing position in Missoula, returning to her beloved Montana. When her Aunt Effie became seriously ill, my grandma quit her job to care for her aunt in Bigfork, staying on with her uncle after her aunt's death. Amazingly, my grandmother still lives in that same house on Electric Avenue where she took care of her Aunt Effie.

My grandmother was introduced to James Dockstader at a dance. When Effie taught Jim to dance, she had no idea this would be the man who would teach her the many lessons of love. My grandparents settled into a farming life, close to the earth and raised three children in Bigfork, each of whom still lives in the area with their families. My grandfather died from cancer on November 20, 1988 at home.

Few people get the chance to revisit their past and to choose the "road not taken," but my grandma did. It all began when the day of Bigfork's Whitewater Festival in 1995

proved to be filled with shock, memories of a past romance, and the promise of true love rekindled.

My grandma recalls the day when Ernest Holmes swept her off her feet for the second time in amazingly vivid detail. Effie was standing outside her house in downtown Bigfork when a stranger asked if she knew Effie Clark. My grandmother replied, "I'm Effie." "I'm Prunie," Ernest responded, using his old high school nickname. Without hesitation, the two embraced repeatedly and began joyously reminiscing right on Electric Avenue. Their reunion continued over lunch.

From that day my grandma was a different person, happier and more full of life than I had ever seen her. This man had long before left a mark on my grandmother's life and heart. Prunie and Effie had been sweethearts when she attended high school in Missoula for one year while her father was working there. Effie returned to Bigfork when her father's job ended the next June. Effie and Prunie were pinned, going steady, and promised to remain true to one another despite the distance. However, an unfortunate misunderstanding broke the two apart, seemingly forever. Ernie was determined to mend the situation and get Effie back, making the long, difficult trip from Missoula to Bigfork in his Model T. However, my grandmother's mind was set and she refused even to come to the door and hear his explanation and apology. Her resolve led to a separation of sixty-six years that was finally bridged that Whitewater Day.

After years of raising their own families, Effie and Prunie were finally together again. A whirlwind romance rekindled their love and passion. My grandmother married Ernest Holmes on August 4, 1995, her 85th birthday, and I was the maid of honor! The day was beautiful, the church was filled to overflowing with friends, family and townsfolk, my grandmother was stunning, and it was one of the happiest days of both of our lives. My new grandfather spent five wonderful years with us before he died in April of 2000.

Sitting in her chair among the many dolls she has made and collected over the years, with antiques younger than she, my grandmother smiles and laughs with the ease of a child and the wisdom of experience. She has lived through much and seen great changes, learning from it all. Effie Dockstader Holmes is a treasure of Montana, a woman to be remembered always. An intelligent, independent woman who fought against the odds at a time when females usually stayed home, my grandmother is truly a modern pioneer woman. She melded the life of homemaker with the career of caretaker of the sick and injured, her only rewards the thanks of those she helped and the knowledge that she had made a difference.●

#### HEROES AMONG US

● Mr. KENNEDY. Mr. President, in 1997, the Boston Celtics established the Heroes Among Us program to honor outstanding individuals in New England who have made an overwhelming impact on the lives of others. The "Heroes Among Us" award is designed to honor and recognize members of society that stand tall in their commitment to their community. The extraordinary achievements of the honorees include: individual acts of courage, saving lives, sacrificing for others, overcoming obstacles to achieve their goals, and a lifelong commitment to bettering the lives of those around them. We have recognized those of all

ages and from all walks of life, including students, clergy, community leaders, non-profit founders, and even Nobel Prize and Academy Award winners.

At each home game during this 5-year span, the Boston Celtics and their fans have saluted the exemplary efforts of these citizens during a special in-game presentation on the team's legendary parquet floor. To date, more than 200 individuals have received the Heroes Among Us Award. We are all very proud of this program, which has become one of the most recognized and respected initiatives in the city of Boston.

On Friday, June 14, 2002 at 2:00 p.m., the Celtics will host the 4th Annual Heroes Among Us ceremony in the Great Hall at the Massachusetts State House. Heroes from the 2001-2002 season will attend the event, along with Heroes from past seasons. Boston Celtics players, legends, and front office staff will join dignitaries and politicians from all over New England to salute these special individuals.

The following outstanding community leaders have been honored this year:

The Massachusetts Urban Search and Rescue Task Force (Beverly, MA); Erin Rosen-Watson (Natick, MA); William Pease (Gardner, MA); Dawn McNair (Natick, MA); Francis Bok (Boston, MA); Billy Ketchen (Scituate, MA); Raymond Nunez (Lawrence, MA); Lynn Donohue (Marion, MA); Ralph True (Uxbridge, MA); Darin Conley (Uxbridge, MA); Jim Stevens (Uxbridge, MA); Paul Flaherty (Stoughton, MA); Bridget Shaheen (Lawrence, MA); Brian McLaughlin (North Easton, MA); Rachael Levy (Wayland, MA); The Ranieri Family (Bellingham, MA); Chris Curran (Carver, MA); Iris Rivera (Roxbury, MA); Yon Hanlon (Hanson, MA); Sandy Aiello (Waltham, MA); Agnes Lynch (Braintree, MA); Detective Lee Grasso (Melrose, MA); Danny Ricard (West Boylston, MA); Terri Pechner (Revere, MA); Steven Smith (Swampscott, MA); Raymond Piccinni (Marblehead, MA); John Gilpatrick (Hanson, MA); Irene Smalls (Boston, MA).

Frieda Garcia (Boston, MA); Julia Tripp (Randolph, MA); Terri Sarno (Ashland, MA); Dario Espino (Natick, MA); Matthew Gilman (Framingham, MA); Jennifer Dallaire (East Bridgewater, MA); Doreen Morrison (Brockton, MA); Catherine D'Amato (Boston, MA); Jennifer and Stuart Siedman (Wellesley, MA); Tony Licicata (Reading, MA); Carie Miele (Acton, MA); Professor Charles Ogletree (Cambridge, MA); Peter Badavas (Brockton, MA); Chris Norwood (Brockton, MA); Mark Norwood (Brockton, MA); Alexandra Oliver-Davila (Roxbury, MA); Tony Richards (Dorchester, MA); Cam Neely (Lincoln, MA); Rosemary Bowers (Warwick, RI); The Ginley Family on behalf of Lt. John Ginley (Warwick, NY); Dr. Roseanna Means (Wellesley, MA); Rev. Dr. Gloria White Hammond (Boston, MA); Dana Laurendeau (Boston, MA); Darrin Dawley (Boston, MA); Eddie Andelman (Lynnfield, MA); Anthony Bibbo (Newton, MA); Liz Walker (Boston, MA); Robert Lewis, Jr. (Boston, MA); Judy and Jim Langmead (Walpole, MA); Clementina and Joseph Chery (Dorchester, MA).

We pay tribute to them for their service.●

#### TRIBUTE TO HATHAWAY & CLARK FUNERAL HOME

● Mr. BUNNING. Mr. President, I rise today to pay tribute to Hathaway & Clark Funeral Home of Louisville, KY. For over 100 years now, Hathaway & Clark Funeral Home has served the local community in a warm and caring manner.

Hathaway & Clark Funeral Home has been soulfully dedicated to serving the needs of the Louisville community since the early part of the 20th century. It is the oldest black-owned and operated funeral business in Louisville. The founder was a man by the name of James H. Hathaway. Mr. Hathaway officially opened the Hathaway mortuary on Burnett Avenue in the Fort Hill area in 1901. After Hathaway's death, his daughter and son-in-law, Columbia and Chester Clark, took over the business, adding Clark to the name.

In 1964, Hathaway & Clark built a new facility in the west end area at 2718 Virginia Avenue. In doing so, they became the first black Louisville funeral home to erect its own building.

Currently, Hathaway & Clark is operated by husband and wife duo, Lawrence and Violet Montgomery. Lawrence Montgomery, who currently serves as the company's president, has worked on and off at Hathaway for about fifty years. His wife Violet has been a full-time employee and secretary-treasurer since 1992. They both have worked extremely hard to build upon the foundation of service and professionalism that Hathaway & Clark was built on. During times of grief and sorrow, families can feel more secure knowing that Hathaway & Clark will be there to take care of all of their immediate needs. Many of their customers have been noted as saying how much they like and appreciate the warm feeling and atmosphere created by the staff and management of Hathaway & Clark.

We have all heard the old saying, "nothing is inevitable except death and taxes." While, I am quite certain that no individual or group will ever make us feel good about paying our taxes, I do know that families in Louisville can put their loved ones peacefully to rest with the help of Hathaway & Clark. I ask that my fellow colleagues join me in thanking Hathaway & Clark for serving Kentucky families since 1901.●

#### IN RECOGNITION OF LANSING COMMUNITY COLLEGE'S SOFTBALL WORLD SERIES CHAMPIONSHIP WIN

● Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Lansing Community College Stars softball team for its win at the National Junior College Athletic Association World Series Championship in Phoenix, AZ. This was Lansing's third straight trip to the World Series, and their first win.

The Stars' season was nothing short of stellar. The Lady Stars broke their

2001 team record for home runs by sending 83 out of the stadium this year. They also batted a .368 team batting average, the highest in the nation. Finishing the season ranked number two in the nation, the Lady Stars finished the season with 49 wins and just seven losses. In the three years of the Lansing Community College program, the team boasts an overall record of 142 wins and just 25 losses.

These statistics don't win a championship on their own, though. The Lady Stars had to battle through 100 degree temperatures and formidable opposition to win three games and the championship on the final day of the series. Great defense, solid pitching, and timely hitting coupled with an experienced ball club made third time the charm for Lansing.

This Championship win is a great accomplishment, and I trust that my Senate colleagues will join me in congratulating the Lansing Community College Lady Stars softball team on this commendable triumph. I wish them the best in repeating next year.

I ask that the names of the team members, their position, college year and high school be printed in the RECORD.

The material follows:

Monica Kingsley, Pitcher, Sophomore, Fowlerville, MI.  
Amanda Hixson, Outfield/Infield, Sophomore, Lansing Everett, MI.  
Amy Dollarhite, Outfield, Freshman, St. Johns, MI.  
Kim Horanburg, Infield, Sophomore, Grand Ledge, MI.  
Casey Gorman, Pitcher, Sophomore, Haslett, MI.  
Larissa Kequom, Outfield, Sophomore, Charlotte, MI.  
Nicole Beasley, Outfield, Freshman, Grand Ledge, MI.  
Mary Ann Brooks, Catcher/Infield, Sophomore, East Jordan, MI.  
Erin Curtice, Outfield, Sophomore, Grand Ledge, MI.  
Bridge Hixson, Outfield, Freshman, Lansing Everett, MI.  
Jennifer Olds, Pitcher/Infield, Sophomore, Suncoast, FL.  
Sarah Paape, Infield, Freshman, Sandusky, MI.  
Nicole Dashkovitz, Infield, Sophomore, Cadillac, MI.  
Janet Russman, Infield, Sophomore, Portland St. Patrick, MI.  
Kari Munson, Infield, Sophomore, Lansing Eastern, MI.  
Jessica Pick, Catcher, Freshman, Lansing Eastern, MI.  
Mary Mauro, Pitcher, Freshman, De Witt, MI.  
Danett Waller, Catcher, Freshman, Morrice, MI.●

#### TRIBUTE TO DR. LAURISTON S. TAYLOR

● Mr. DOMENICI. Mr. President, I rise to pay tribute to a truly great American on the occasion of his 100th birthday.

Dr. Lauriston S. Taylor was born on June 1, 1902. Dr. Taylor (or Laurie as he likes to be called) is one of the major contributors to our knowledge of radiation safety, not only in the United States but worldwide as well.

Laurie published his first paper in 1922 while a student at Cornell and has contributed to radiation safety over a span of 80 years, publishing over 150 papers, and has written or contributed to over 16 books.

Laurie served as Chairman of the National Committee on Radiation Protection (NCRP), the organization he helped establish and led for nearly 50 years and the organization now Chartered by the U.S. Congress as the National Council of Radiation Protection and Measurements.

In addition, his accomplishments include serving as: President of the Health Physics Society, Chairman of the International Commission on Radiation Units and Measurements, President of the International Conference on Medical Physics, Chairman of the Civil Service Commission, and Special Assistant to the President of the National Academy of Sciences.

A few of the many awards bestowed upon Laurie include: The Presidential Bronze Star and the Medal of Freedom from the United States Air Force, The Gold Medal from the Royal Swedish Academy of Sciences, and The Janeway Medal from the American Radium Society.

It is with pleasure that I note that Dr. Taylor's decades of contributions to improving radiation safety throughout the World have been documented by the Health Physics Society in an edition of their international journal Health Physics, and their Newsletter.

Laurie is, indeed, a person for all seasons: teacher, mentor, scholar, leader and visionary.

I deeply appreciate all that Laurie Taylor has contributed to this Nation and the world. I invite my colleagues to join in wishing him a very happy 100th birthday.●

#### TRIBUTE TO JACQUELINE BEAN

● Mr. BURNS. Mr. President, today I recognize a very special woman from the State of Montana who has recently retired from the Burns Telecommunications Center. Jacqueline Bean has made a tremendous difference at the Burns Telecommunications Center during her tenure. Her level of influence in the telecommunications industry and Montana has been instrumental in promoting, maintaining and establishing a base to expand upon the Center and extend its longevity. I cannot tell you how many times Jacqueline stressed the need to ensure the center's long-term impact.

Jacqueline's commitment and loyalty to the Burns Telecommunications Center and to the goals I established have helped lead to the success of the Center. Jacqueline never lost sight of the vision I had in mind, to promote opportunities in education, healthcare, and business especially in rural States like Montana, to work for increased individual opportunity through telecommunications and support Montana telecommunications projects, involv-

ing cutting edge technology for education based distance learning programs, telemedicine initiatives, and e-commerce across secure computer networks in the global economy. Jacqueline put forth a whole-hearted effort to increase these opportunities for students, teachers, administrators, individuals, and employees across Montana by advancing the Burns Telecommunications Center and its mission.

Jacqueline has always gone above and beyond the call of duty. She is not only a woman I admire and respect, she is a close, personal friend and I want to extend my personal thanks for all of her support and effort on behalf of the Burns Telecommunications Center. I truly appreciate Jacqueline's loyalty, dedication and commitment and all that she has accomplished on behalf of the Burns Telecommunications Center. We bid farewell, but not good-bye, to a woman that has brought so much integrity to the Burns Telecommunications Center.●

#### HARLEM GLOBETROTTERS

● Mr. KYL. Mr. President, I note with pleasure that the Harlem Globetrotters basketball team was honored in April by the Arizona chapter of the National Conference for Community and Justice.

The world-renowned Harlem Globetrotters, who have made their home in Phoenix since 1995, have given joy to basketball fans in America and around the world for three quarters of a century. In over 20,000 games of basketball, played in some 115 countries, the team's stellar showmen and athletes have been ambassadors for their country and their sport. Especially impressive is the tenacity of owner and former player Mannie Jackson, who took a franchise on the wane and revived it. He and his athletes have given something of value to Arizonans, Americans, and basketball lovers everywhere.

Arizona is proud to be the home of the 21st century Globetrotters, recipients of a richly deserved humanitarian award.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1372) to reauthorize the Export-Import Bank of the United States.

The message also announced that the House insists upon its amendment to the bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. COBLE, Mr. LOBIONDO, Mr. OBERSTAR, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Mr. THOMAS, Mr. CRANE, and Mr. RANGEL.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 117. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3448.

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. 36. Concurrent resolution urging increased Federal funding for juvenile (type 1) diabetes research.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2941. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

H.R. 4073. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

H.R. 4466. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

H.R. 4800. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

H.R. 4823. An act to repeal the sunset of Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2941. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4073. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

H.R. 4466. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 36. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Health, Education, Labor, and Pensions.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2578. A bill to amend title 31 of the United States Code to increase the public debt limit.

## ENROLLED BILLS SIGNED

At 5:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

H.R. 3448. An act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building."

4486. An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and doc-

uments, which were referred as indicated:

EC-7315. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-7316. A communication from the Secretary of Labor, Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC-7317. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period September 30, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-7318. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for Fiscal Year ending September 30, 2001; to the Committee on Governmental Affairs.

EC-7319. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-7320. A communication from the Chair of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-7321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-364, "Unemployment Compensation Trust Response Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC-7322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-365, "Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC-7323. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-366, "Bond Requirement for New Residential Property Construction on Unstable Soil Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC-7324. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-367, "Georgetown Project Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC-7325. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-368, "Bonus Depreciation Decoupling from the Internal Revenue Code Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC-7326. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-369, "Prompt Pay Act of 2002"; to the Committee on Governmental Affairs.

EC-7327. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-370, "Uniform Custodial Trust Act of 2002"; to the Committee on Governmental Affairs.

EC-7328. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-371, "Closing of a Portion of a Public Alley in Square 5228, S.O. 98-195 Act of 2002"; to the Committee on Governmental Affairs.

EC-7329. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-372, "Closing of Edson Place, N.E., adjacent to Square 5080, S.O. 01-808 Act of 2002"; to the Committee on Governmental Affairs.

EC-7330. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-373, "Procurement Practices Small Purchase Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC-7331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-375, "Housing Notice Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC-7332. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the State Department Delegation of Authority No. 245 of April 23, 2001 to allow the Export Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-7333. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations as a Result of the September 2001 Missile Technology Control Regime (MTCR) Plenary Meeting" (RIN0694-AC55) received on May 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7334. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention" (RIN0694-AC62) received on May 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7335. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Dominican Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC-7336. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of emergency with respect to The Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

EC-7337. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (12 CFR Part 8) received on May 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7338. A communication from the President of the United States, transmitting, pursuant to law, the periodic report on the National Emergencies with Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

EC-7339. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant

to law, a report on the imposition of foreign policy controls on certain dual-use chemical and biological items; to the Committee on Banking, Housing, and Urban Affairs.

EC-7340. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk Based Capital Standards: Claims on Securities Firms" (RIN3064-AC17) received on June 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7341. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Corporate Governance" (RIN2550-AA20) received on June 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7342. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6-80E1A2 Turbofan Engines" (RIN2120-AA64) (2002-0249) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7343. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" (RIN2120-AA64) (2002-0250) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7344. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 58P, 60, A60, B60, and 65-88 Airplanes" (RIN2120-AA64) (2002-0251) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7345. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT9-D Turbofan Engines" (RIN2120-AA64) (2002-0252) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7346. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-90-30 Airplanes" (RIN2120-AA64) (2002-0246) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7347. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes" (RIN2120-AA64) (2002-0247) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7348. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes" (RIN2120-AA64) (2002-0248) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7349. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600-2B19 Series Airplanes" (RIN2120-AA64) (2002-0243) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7350. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and MD-88 Airplanes" (RIN2120-AA64) (2002-0244) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7351. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" (RIN2120-AA64) (2002-0245) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7352. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc. Tay Model 650-15 and 651-54 Turbofan Engines" (RIN2120-AA64) (2002-0239) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7353. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes" (RIN2120-AA64) (2002-0240) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7354. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Model C90 Airplanes" (RIN2120-AA64) (2002-0241) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7355. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, and DC-10-30F (KC10A and KDC-10) Airplanes" (RIN2120-AA64) (2002-0242) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7356. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C, 300, 400, and 500 Series Airplanes" (RIN2120-AA64) (2002-0256) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7357. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6-80E1 Turbofan Engines" (RIN2120-AA64) (2002-0253) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7358. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C, 300, 400, and 500 Series Airplanes" (RIN2120-AA64) (2002-0254) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7359. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" (RIN2120-AA64) (2002-0255) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7360. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Admt. to Norton KS Class E Airspace Area" (RIN2120-AA66) (2002-0088) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7361. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 47 Admt." (RIN2120-AA65) (2002-0033) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7362. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 28 Admt." (RIN2120-AA65) (2002-0034) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7363. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, Newport, OR" (RIN2120-AA66) (2002-0089) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7364. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Admt. of Class E5 Airspace; Liberty, NC" (RIN2120-AA66) (2002-0090) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7365. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 52 Admt. No. 3002" (RIN2120-AA65) (2002-0032) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7366. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Admt. of Honolulu Class E Airspace Area Legal Description" (RIN2120-AA66) (2002-0092) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7367. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace at Sharon, PA" (RIN2120-AA66) (2002-0091) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7368. A communication from the Chief of Regulations and Administrative Law,

United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Annual Marine Events in the Eighth Coast Guard District" ((RIN2115-AE46) (2002-0011)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: Western Branch, Elizabeth River, Portsmouth, VA" ((RIN2115-AE46) (2002-0012)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7370. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Siesta Drive Drawbridge, Gulf Intracoastal Waterway, Sarasota, Florida" ((RIN2115-AE47) (2002-0048)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7371. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Darby Creek, Pennsylvania" ((RIN2115-AE47) (2002-0049)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7372. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, Boca Grande, Charlotte County, Florida" ((RIN2115-AE47) (2002-0050)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7373. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters" ((RIN2115-AE84) (2002-0006)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7374. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Cape Fear River and Northeast Cape Fear River, Wilmington, North Carolina" ((RIN2115-AE84) (2002-0007)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7375. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels" ((RIN2115-AF87) (2002-0001)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7376. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Boston Marine Inspection Zone and Captain of the Port Zone" ((RIN2115-AA97) (2002-0082)) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7377. A communication from the Chief of Regulations and Administrative Law,

United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Permits for the Transportation of Municipal and Commercial Waste" (RIN2115-AD23) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7378. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Requirements for Notification of Arrival in U.S. Ports" (RIN2115-AG24) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7379. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Wearing of Personal Flotation Devices (PFDs) by Certain Children aboard Recreational Vessels" (RIN2115-AG04) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7380. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inspection Under, and Enforcement of, Coast Guard Regulations for Fixed Facilities on the Outer Continental Shelf by Minerals Management Service" (RIN2115-AG14) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7381. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tire Pressure Monitoring Systems" (RIN2127-A133) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7382. A communication from the Senior Regulatory Analyst, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Imposition and Collection of Passenger Civil Aviation Security Service Fees" (RIN2110-AA01) received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7383. A communication from the Deputy Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution and Use of Denatured Alcohol and Rum" (RIN1512-AB57) received on June 3, 2002; to the Committee on Finance.

EC-7384. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority (Parts 44)" (RIN1512-AC36) received on June 3, 2002; to the Committee on Finance.

EC-7385. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on June 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-7386. A communication from the Administrator, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the Administration's report on commercial motor vehicle border staffing standards; to the Committee on Commerce, Science, and Transportation.

EC-7387. A communication from the Secretary of Commerce, transmitting, pursuant

to law, the annual report of the Visiting Committee on Advanced Technology of the National Institution of Standards and Technology (NIST) for 2001; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*Kyle E. McSillarow, of Virginia, to be Deputy Secretary of Energy.

\*Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration.

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Brig. Gen. Kenneth L. Farmer, Jr.

Army nomination of Maj. Gen. Edward Soriano.

Army nomination of Lt. Gen. David D. McKiernan.

Marine Corps nominations beginning Col. Ronald S. Coleman and ending Col. Edward G. Usher III, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2001.

Marine Corps nomination of Maj. Gen. Richard L. Kelly.

Navy nomination of Rear Adm. (Ih) Mark M. Hazara.

Navy nomination of Capt. David J. Venlet.

Navy nomination of Rear Adm. Richard J. Naughton.

Navy nomination of Vice Adm. James W. Metzger.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air force nominations beginning Amy J. Altemus and ending Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Jorge Acevedo and ending Keith W. Zuegel, which nominations were received by the Senate and appeared in the Congressional Record on May 6, 2002.

Army nomination of Shawn E. Connors.

Army nomination of James E. Agnew.

Army nominations beginning Michael J. Hamilton and ending James W. Youker, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2002.

Army nominations beginning Robert T. Aarhus, Jr. and ending Scott C. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2002.

Marine Corps nomination of Jeffrey A. Knudson.

Navy nomination of George B. Parisi.

Navy nominations beginning Peter C. Bondy and ending Theodore G. Pacleb, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2002.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to



respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 2579. A bill to amend the Clean Air Act to limit access to off-site consequences analysis information in order to reduce the risk of criminal release from stationary sources, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WELLSTONE:

S. 2580. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Commerce, Science, and Transportation.

By Mr. MILLER:

S. 2581. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 2582. A bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 2583. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. ALLARD (for himself, Mr. MILLER, and Mr. CRAPO):

S. 2584. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2585. A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. KYL):

S. 2586. A bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Select Committee on Intelligence pursuant to section 3(b) of S. Res. 400, 94th Congress for a period not to exceed 30 days of session.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2587. A bill to establish the Joint Federal and State Navigable Waters Commission of Alaska; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2588. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI:

S. 2589. A bill to provide for the prohibition of snow machines within the boundaries of the "Old Park" within the boundaries of Denali National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. BREAUX, and Mr. GREGG):

S. 2590. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mrs. HUTCHISON, Mrs. MURRAY, Ms. COLLINS, Mrs. BOXER, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. CANTWELL, Mrs. CLINTON, and Mrs. CARNAHAN):

S. 2591. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. DEWINE, and Ms. STABENOW):

S. 2592. A bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Ms. COLLINS, Mrs. CLINTON, Ms. CANTWELL, Mr. BAYH, Mr. CORZINE, Mr. SPECTER, Mr. SMITH of Oregon, Mr. INOUE, Ms. LANDRIEU, Mr. BREAUX, Mr. TORRICELLI, Mr. BUNNING, Mr. AKAKA, Mr. HAGEL, Mr. CRAIG, Mr. DEWINE, Mr. DURBIN, and Mr. CAMPBELL):

S. Res. 281. A resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 442

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 442, a bill to exempt qualified current and former law en-

forcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 677

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from New York (Mr. SCHUMER), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 841

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1005

At the request of Mr. JEFFORDS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1005, a bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes.

S. 1016

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1016, a bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the Medicaid and State children's health insurance program, and for other purposes.

S. 1038

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1038, a bill to amend the

Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions.

S. 1103

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1103, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition, and for other purposes.

S. 1309

At the request of Mr. DOMENICI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1309, a bill to amend the Water Desalination Act of 1996 to reauthorize that Act and to authorize the construction of a desalination research and development facility at the Tularosa Basin, New Mexico, and for other purposes.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Hampshire (Mr. GREGG), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1679

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1679, a bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services.

S. 1840

At the request of Mr. COCHRAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1840, a bill to amend title XVIII of the Social Security Act to re-

move the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide.

S. 1851

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1851, a bill to amend part C of title XVIII of the Social Security Act to provide for continuous open enrollment and disenrollment in Medicare+Choice plans and for other purposes.

S. 1934

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1934, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 2006

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2025

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2025, a bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

S. 2038

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2038, a bill to provide for homeland security block grants.

S. 2067

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. CLELAND) were added as

cosponsors of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2135

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants.

S. 2211

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2211, a bill to amend title 10, United States Code, to apply the additional retired pay percentage for extraordinary heroism to the computation of the retired pay of enlisted members of the Armed Forces who are retired for any reason, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2245

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2245, a bill to amend title 49, United States Code, to enhance competition between and among rail carriers, to provide for expedited alternative dispute resolution of disputes involving rail rates, rail service, or other matters of rail operations through arbitration, and for other purposes.

S. 2430

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2480, supra.

S. 2490

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2492

At the request of Mr. CLELAND, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2492, a bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2533

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2533, a bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

S. 2544

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2544, a bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes.

S. 2545

At the request of Mr. DOMENICI, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2545, a bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of

S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S.J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 242

At the request of Mr. THURMOND, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from California (Mrs. BOXER), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day."

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

AMENDMENT NO. 3561

At the request of Ms. LANDRIEU, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CLELAND), the Senator from Georgia (Mr. MILLER), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of amendment No. 3561 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3562

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 3562 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 2579. A bill to amend the Clean Air Act to limit access to off-site con-

sequences analysis information in order to reduce the risk of criminal release from stationary sources, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Madam President, today I am introducing a bill to help protect communities in Missouri and across the Nation from terrorist attack. Chemical plants in communities across America are perfect terrorist targets. Right now, the U.S. Government provides a virtual blueprint for attacks on these facilities to any member of the public who requests the information—on any terrorists frankly. The Community Protection From Chemical Terrorism Act will help protect communities from terrorists who would use sensitive information made public to destroy those communities.

There are 15,000 chemical facilities across the country. Facilities store and use potentially dangerous chemicals to make consumer products and keep us healthy. Chlorine, for example, is used by every family to whiten and brighten our clothes. Every child, every senior person, every family across America is able to drink clean water and avoid getting sick because of chlorine treatment.

However, we know that chlorine is a dangerous chemical if misused or abused. According to EPA, at least 123 plants each keep amounts of chemicals that if released, could form deadly vapor clouds that would put more than one million people in danger. A plant outside of Detroit projects that a rupture of one of its 90-ton rail cars of chlorine could endanger three million people. Even worse, an accident at a New Jersey plant in suburban New York City could cover a 14 mile radius affecting 12 million people.

Missouri is not spared from these dangers. In the Kansas City metropolitan area alone, there are over 100 plants filing reports to EPA on their potential chemical accidents.

I am holding back on the names and addresses of these facilities, but their identity and location is no secret to those who want to look. In fact, the law currently requires EPA to make this information available to the public. You do not even have to look, because the newspapers are publishing this information. Here is the front page of the Kansas City Star with a story "Chemical Plants Ordered to Prepare for the Worst." The story describes how information on worst-case scenario accidents is publicly available to anyone who bothers to look.

The San Francisco Chronicle published a story entitled "If All Hell Broke Loose." Here you see the newspaper not only describes the chemical facilities in Northern California, but provides a map of the location of the facilities and the radius of potential damage from a toxic release. This newspaper published not only the names and addresses of the facilities, but drew a map with their location and

the radius of destruction from a release. It helps the terrorists by showing just what radius of death and destruction would occur. This is the front page of a newspaper that is out there for anybody who wants to make a terrorist strike in San Francisco. This is published in May of 1999. I wonder, after September 11, they would still be so helpful.

The reason this is a problem is that this is exactly the type of information terrorists would use to plan and carry out an attack. Families in suburban San Francisco and across the country have a bulls eye on their communities because terrorists can use this publicly available information to target their attacks.

By law, the government requires chemical facilities to report to the government the hazardous chemicals they have on site and then predict the worst-case scenario for an accident with those chemicals. These Offsite Consequence Analysis or OCA reports include the type of chemical, the conditions under which a worst-case accident would occur, the distance a toxic cloud of chemicals might travel, the environmental or public receptors such as hospitals, schools or national parks in danger's way, and the number of people who would be harmed by an attack.

According to the FBI, this publicly available chemical facility information provides a "blueprint for potential terrorist attack." A DOJ report analyzing the threat from terrorists abusing OCA information says:

The distance that a toxic cloud might travel, the numbers of people who might be harmed, and the environmental or public receptors that could be affected are precisely the types of factors that a terrorist weighs when planning an attack.

Chemical facilities are exactly the type of target terrorists would attack to create mayhem and destruction. According to DOJ:

Certain types of facilities that are required to submit OCA information are preferred terrorist targets. Many such facilities exist in well-populated areas, where a chemical release could result in mass casualties and would result in widespread destruction.

In a chilling confirmation of this, copies of U.S. chemical trade publications were found in one of the cave holes where Osama bin Laden had hidden. They found it with the other rat infestations in December.

Terrorists would have little problem searching through government collected OCA. According to DOJ, this data provides "one-stop shopping for refined targeting information, allowing terrorists or other criminals to select the best targets from among the 15,000 chemical facilities that have submitted OCA data." Indeed, accessing this publicly available information is easy. In a single afternoon, my staff was able to search and find the top ten facilities across my home state of Missouri where terrorist attacks would produce the greatest number of casualties. By

the end of the day, my staff had the names of the facilities, their street address, the name of the vulnerable chemicals, the conditions under which a worst-case scenario release would occur, the radius of harm caused by the attack, any safety or mitigation measures plants might use to control the release, and the number of people in the affected area who could be hurt.

It was shocking to me that Federal law makes information which terrorists could use to destroy communities available to any member of the public.

The argument goes that communities want to know about dangerous chemicals used and stored in their neighborhoods. That is a legitimate desire. The law further intends that members of the public use this information to pressure chemical facilities to remove dangerous chemicals or change their ways so that neighboring communities are not in danger from an accidental release. That also is a very legitimate concern.

Unfortunately, the terrorist attacks of September 11th show us that times are not so simple anymore. The threat from terrorist attack now outweighs the benefits of making this information public. We should be concerned about chemical facilities in our communities. However, our greatest concern must be protecting those communities from terrorist attack.

In a different time, the environmental policy concerns of making worst-case scenario chemical accidental data available to the public might have outweighed the security threats to our communities. Sadly, those times have passed. According to the Department of Justice, OCA worst-case scenario data continues to present a security threat. The threat from terrorists using OCA worst-case scenario data is even greater after the September 11th terrorist attacks. DOJ believes that legislation is necessary to further limit public access to dangerous OCA information.

Unfortunately, the current law does not protect our communities from terrorist attack. Congress amended the law concerning OCA information in 1999. That legislation, entitled the Chemical Safety Information and Site Security Act reversed EPA plans to post OCA information on the Internet. However, the law left the task of establishing specific regulations for publicizing OCA information to EPA and DOJ. Admittedly, the last administration did its work before the terrorist attacks of September 11th. It was a different time then. A legitimate argument was made that environmental policy concerns outweighed the need to protect communities from terrorist attacks.

However, even the restrictions EPA and DOJ devised to limit access to sensitive OCA information were quickly overcome by advocacy groups. This story in the New York Times describes how environmental advocates put OCA disaster data on the Internet. The cap-

tion here is, "Getting around a law intended to avoid helping terrorists." My staff used one of these sites to help them determine the communities in Missouri most at risk from a terrorist attack. This is not fair to the communities that wish to avoid terrorist attacks. Further restrictions are necessary to protect our communities from terrorist attack.

The legislation I propose today strikes the best balance between allowing the public to monitor the actions of the chemical industry and protecting individual communities from terrorist attack. Official users engaged in official protection activities will have unrestricted access to OCA information. However, my bill will allow members of the public to view OCA data on chemical facilities without knowing their specific name and location. This will allow advocates to continue watching and pressuring the chemical industry at-large to make safety improvements without placing specific communities at risk of terrorist attack. For those environmental advocates that wish to play a role in a given community, this legislation specifically expands local emergency planning committees to include members of local and national environmental organizations. I recognize that these groups have a role to play in making our communities safer and hope they will accept this invitation to join in formal community protection activities.

Communities have much to fear from terrorist attack. According to DOJ, the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible. We must not help those terrorists who want to destroy our communities. I urge my colleagues to support the Community Protection From Terrorism Act and look forward to working with you on its passage.

I ask unanimous consent that the bill be appropriately referred.

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

By Mr. WELLSTONE:

S. 2580. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, I rise today to introduce the Fatal Grade Crossing Accident Investigations Act. The bill would require the National Transportation Safety Board, NTSB, to investigate the facts, circumstances and causes of all accidents at railroad grade crossings in which there is a fatality or substantial property damage.

With this bill, we can correct an important gap in our efforts to reduce such accidents. Under current law, NTSB investigations of grade crossing accidents are undertaken only in select cases, as highway accident investigations. The bill would consider grade

crossing accidents instead to be railroad accidents, which under current law already must be investigated if there is a fatality or substantial property damage.

We need better information on fatal grade crossing accidents so we can do more to prevent unnecessary loss of life. According to National Railroad Administration Safety Statistics, more than 4,000 accidents per year occur at grade crossings. In 2000, 425 of these resulted in fatalities. Most fatalities occur at what are called passive grade crossings, those offering no warning or signal to a motorist of an oncoming train. Of Minnesota's more than 8,000 railroad grade crossings, three-fourths are passive crossings. The safety of such passive crossings is substantially dependent on such factors as physical layout and the adequacy of the view for drivers of approaching trains. To make good safety choices, communities, transportation agencies and departments at the local, state and federal levels need better information. That is one reason site-specific accident information is so necessary.

NTSB investigations are essential not only to prevent future accidents, through recommendations on operating rules such as speed limits, warning or separation devices, improved signaling, signage, improvements for driver visibility and increased enforcement of stop signs at passive crossings. But their investigations often are also the only means of addressing the role of railroads and their personnel in accidents.

This important issue has been brought to my attention by two passionate rail safety advocates in Minnesota, Lillian and Gerry Nybo. I have worked closely with the Nybos, who have been at the forefront of a national movement, "Citizens Against Railroad Tragedies." Their 18-year-old son, Gerry, Jr., was killed three years ago this week at an unguarded rail grade crossing in Audubon Township in Becker County, Minnesota. He has just graduated from high school, and his life was full of promise. He friend Ryan Nelson was killed in the same accident. This legislation is needed to give families such as the Nybos, who have lost family members, the results of investigation into the facts and causes of these accidents. It is in memory of Gerry Nybo, Jr. that I introduce this legislation today.

My hope in introducing this bill is to give communities the information they need to improve safety at dangerous intersections. I urge my colleagues to support the bill, and 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. 2580

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fatal Grade Crossing Accident Investigations Act".

#### SEC. 2. GRADE CROSSING ACCIDENTS.

Section 1131(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking “, including a railroad grade crossing accident,”; and

(2) in subparagraph (C), by inserting “, including a railroad grade crossing accident,” after “railroad accident”.

#### SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by section 2 shall take effect on the date of the enactment of this Act and shall apply with respect to railroad grade crossing accidents that occur on or after that date.

By Mr. LIEBERMAN:

S. 2582. A bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, in 1943, the chairman of a famous American electronics company said, “I think there is a world market for maybe five computers.” Good guess. Industry has repeatedly exceeded expectations like that one, and helped the American economy as a whole exceed expectations.

New questions are now reverberating from Silicon Valley to Pennsylvania Avenue. How do we catch the next great wave of innovation and ingenuity to unleash the next great boom of productivity and opportunity? How do we find new ways to translate our enormous technological prowess into real economic progress for the American people?

I rise today to introduce what I believe will be a roadmap to revitalization. It's premised on the extraordinary promise of high-speed Internet to help us return to high-intensity growth; by revolutionizing the way we communicate and live our lives. Its goal is to highlight the challenges we face in tapping the transformative potential of broadband technology, to spur agreement on a national strategy for accelerating its development and deployment, and ultimately to help bring on what we all hope will be the broadband boom.

Our country's last big boom was fueled by the most reliable, resilient, and renewable source of energy around: America's creative genius. Government paved the road, first with R&D funding, then in the 1990s with sound budget policies, but it was our innovation industries that made it happen. In fact, the information technology sector, which made up only 4 percent of GDP, was responsible for a remarkable 30 percent of all economic growth between 1995 and 2000.

Today, America's high-tech industries, which have survived the big bust that followed the big bang of the 1990s, haven't lost their edge. Information technology and the innovation economy, for example, are still among our greatest national resources. But as we've emerged from recession, many businesses across the country have

been increasingly concerned about our recovery. How strong will it be? How long will it last?

Many in Washington have recognized that broadband can and must be a big part of the solution. But most policymakers have been focusing on short-term obstacles to the next small jump in speed. I think we need a larger and longer vision here. We need to look over the horizon and ask what it will take to usher in advanced broadband that will make speeds of 10 to 100 megabits per second available all across the country, so that we can truly unleash the tremendous economic potential of this technology.

The science fiction writer Arthur C. Clarke once said, “Any sufficiently advanced technology is indistinguishable from magic.” Well, the next generation Internet passes that test. It has the ability to levitate productivity, make millions of jobs appear, and transport our economy into the future. And there won't be any sleight of hand involved. Sometimes, there won't even be wires attached.

In education, for example, universities, school districts, and private companies have already started rolling out impressive applications of advanced broadband. We're not just talking about streaming video with questions sent through instant messenger. Broadband can transform the very nature of instruction, right at the time when schools need more flexible and more powerful learning tools to meet higher standards.

In healthcare, the possibilities are equally exciting: hospitals without walls, instantaneous remote monitoring of patient vitals, comprehensive informatics databases that are available to professionals everywhere. We even saw the first remote surgery pioneered last fall, when two surgeons in New York operated on a patient in Strasbourg, France.

Indeed, advanced broadband's ability to both increase economic opportunities and improve society in so many fields, from law to finance, from entertainment to agriculture, and from homeland defense to international defense, are just astounding.

These days, computing power is expanding at an incredible rate. But networking speed is way behind computing speed. Industry can't make the best use of the computing potential that's available without the pipes that bring it home to consumers and businesses—including and especially small businesses. While we have some good arteries, we don't have the capillaries to carry data all the way.

I stand here today to say that we in government can't let this potentially fertile field of technology lie fallow. We need to make the most of this moment, in which the high-speed Internet is on the cusp of catalyzing a quantum leap in our economy. Which is to say, we need to lead, and seed.

Unfortunately, the case for making broadband deployment a priority of a

national economic strategy has yet to be understood adequately by government. The broadband buck is still stuck on the government's desk, and with it, thousands of new opportunities and millions of new jobs. Decisions are piling up: on spectrum, competition, rights management, spam, privacy, child protection, and more. These are important issues that need to be resolved, and they need to be resolved comprehensively, with an overarching vision.

Last week I released a white paper entitled *Broadband: A 21st Century Technology and Productivity Strategy* and today I introduce the National Broadband Strategy Act of 2002. The white paper analyzes the challenges. The legislation will compel us to meet them, requiring the Administration to develop a national broadband strategy within six months of passage.

Taken together, and working in conjunction with insightful leaders and groups in the tech community, I am confident these measures can spark the development and implementation of a coherent, cross-agency strategy to eliminate obstacles, create incentives, and encourage industry innovation.

In the upcoming months, I'll follow up this report and legislation with proposals on how to reach truly advanced broadband, the speed I mentioned before, upwards of 10 megabits per second. There is no focus on this need now, and that's where government particularly needs to lead and seed.

The follow-up legislation I'll propose in the coming months will call on the FCC to develop a regulatory framework to meet the challenges of the next generation Net: propose tax credits for the deployment of advanced broadband, encourage research and development on advanced broadband infrastructure that will enable this technology to reach into all the corners and crevices of the country, and present a program to incentivize research and development on major applications in areas where government plays a central role, including education, healthcare, and e-government.

The public sector cannot and should not manage this effort. Our future will fortunately be in the hands of thousands of individual innovators. Nor should the government be choosing winners and losers. To benefit consumers, government must be pro-broadband, but technology neutral about how business gets there, by encouraging innovation and maximizing competition. Government must clear the path so that business innovators can march forward.

I urge my colleagues to join me in supporting this important piece of legislation. I request unanimous consent that the introductory materials to my whitepaper and the text of the bill be printed in the RECORD. I note to my colleagues that the full text of the whitepaper is available on my web site, <http://lieberman.senate.gov>.

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

S. 2582

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Broadband Strategy Act of 2002".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States needs to develop a long-term investment and growth strategy that will restore the unprecedented gains in structural economic productivity with high employment growth experienced by the United States in the late 1990s.

(2) The gains in structural productivity with high employment growth in the late 1990s resulted from unprecedented investments in information and communication technology.

(3) It was the precipitous decline in these investments that took the United States economy into recession before September 11, 2001.

(4) The United States needs to focus on stimulating resurgence in these investments to regain vibrant growth in structural productivity and high employment growth.

(5) If productivity increases at the rate of 1.5 percent per year, the standard of living will double about every 46 years, or about every two generations. On the other hand, if productivity increases at the rate of 3 percent per year, the standard of living will double about every 23 years, or about every generation. This difference results from the so-called miracle of compounding. To take advantage of compounding, a long-term economic strategy for the United States must focus on structural productivity growth.

(6) Productivity growth has enabled American workers to produce 30 times as much in goods and services in 1999 as they produced in 1899, with only 5 times as many workers. This growth in productivity has increased the standard of living in the United States from \$4,200 in 1899 to \$33,740 in 1999 (expressed in 1999 dollars). Growth in structural productivity will bring about growth in wages and salaries, profits, and government tax receipts.

(7) The productivity gains of the United States in the late 1990s broke a 25-year trend. From the early 1970s to the mid-1990s, United States productivity grew sluggishly, at an annual rate of about 1.5 percent. During the final 5 years of the 20th Century, it grew at nearly double that rate.

(8) The high cyclical productivity growth the United States has experienced in 2001 and 2002 results for the most part from a reduction in employment and increased utilization of existing capacity.

(9) The United States needs a strategy to generate structural productivity growth arising from the development and deployment of new technology that enhances both efficiency and employment.

(10) The United States needs to prepare now for the retirement of the Baby Boom generation. If the United States does nothing regarding Social Security, it is estimated that by 2030 the annual shortfall between amounts in the Social Security Trust Fund and the amount required to meet obligations of the Fund will reach \$814,000,000,000 (in 1999 dollars). The United States has approximately \$7,400,000,000,000 in obligations coming due, and it is advisable to have our fiscal house in order, hopefully with no national debt, when these obligations must be paid. Restoring structural productivity and high employment growth is essential to ensure

that the United States can honor these obligations.

(11) Making affordable, high speed broadband Internet connections of 10 Mbps-100 Mbps available to all American homes and small businesses has the potential to restore structural productivity and employment growth.

(12) High speed broadband Internet applications for voice, data, graphics, and video will revolutionize many aspects of life at home, school, and work. High speed broadband Internet will transform health care, commerce, government, and education. The benefits of a successful high speed broadband Internet deployment strategy to the quality of life and economy of the United States will be immeasurable.

(13) Traditionally, the United States is considered the world leader in the development and commercialization of new innovations and technologies. However, the United States lags far behind other countries in broadband deployment, including South Korea, Canada, and Sweden. By 2005, the United States is projected to fall to ninth place in broadband deployment, surpassed by Asian markets in Hong Kong and Singapore, the Scandinavian countries Denmark and Norway, and the Netherlands.

(14) The United States will need high speed broadband Internet for public health, education, and economic welfare, just as the United States now needs universal telephone service. High speed broadband Internet applications are capable of revitalizing the economy and solving countless problems for average Americans. The applications fall into the areas of e-education, e-health, e-commerce, e-government, and e-entertainment.

(15) The benefits that will arise from development and implementation of a national high speed broadband Internet strategy amply justify a priority for such a strategy. The Federal Government will act one way or another on many of the key policy issues affecting broadband deployment. The only question is whether it acts in accordance with a strategy, or piecemeal.

(15) Adopting a national strategy for broadband deployment is consistent with the strategies the United States has adopted to speed deployment of other essential infrastructure, including railroads, electric power, telephone service, and radio and television. Each of those technologies has been the focus of a national economic strategy. There is a consensus that the Northwest Ordinance, Morrill Land-Grant Act, and GI bill, and laws for transcontinental railroads, rural electrification, and the interstate highway system, embodied useful and successful strategies for the future of the United States.

(16) In facilitating high speed broadband Internet deployment, the United States should rely on markets and entrepreneurs and minimize the intrusion of government. Americans need to be creative and innovative when government acts to make sure that it provides value added.

(17) In crafting a comprehensive strategy to advance deployment of high speed broadband Internet, a broad range of policy options should be addressed, and the Administration needs to provide leadership in developing these options and establishing a priority among them.

#### SEC. 3. NATIONAL STRATEGY FOR HIGH SPEED BROADBAND INTERNET DEPLOYMENT.

(a) STRATEGY FOR INCREASING STRUCTURAL PRODUCTIVITY AND EMPLOYMENT GROWTH.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting



forth a strategy for the nation-wide deployment of high speed broadband Internet telecommunications services.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A goal for the deployment of broadband telecommunications services nationwide, including a goal regarding the speeds necessary to facilitate applications needed to stimulate structural productivity and employment growth.

(2) A proposal for policies to foster and maintain competition among firms offering broadband telecommunications service, including competition to deploy high speed broadband Internet of 10 Mbps-100 Mbps.

(3) A proposal for incentives to enhance demand for high speed broadband Internet telecommunications service, including demand for purposes of serving Federal mission areas such as homeland security, distance learning, health, scientific collaboration, and electronic commerce.

(4) A proposal for incentives to facilitate and enhance the supply of high speed broadband Internet telecommunications service.

(5) A proposal to enhance global electronic commerce.

(6) A proposal for the optimal allocation of Federal Government resources on research and development regarding high speed broadband Internet telecommunications service, including recommendations for the allocation and prioritization of Federal funds.

(7) A proposal for the optimal allocation of spectrum in furtherance of the deployment of high speed broadband Internet telecommunications service.

(8) An assessment of various limitations to the deployment of high speed broadband Internet telecommunications service, including matters relating to taxation, privacy, security, spamming, content, intellectual property, and rights-of-way, and proposals for eliminating or alleviating such limitations.

(9) An assessment of the impact of the proposals under this subsection on structural productivity and employment growth in the United States and on the international economic competitiveness of the United States.

(10) Any other proposals or matters on the deployment of high speed broadband Internet telecommunications services that the President considers appropriate.

(c) FORM.—The report under subsection (a) shall include a draft proposal of any legislation required to implement the goal described in paragraph (1) of subsection (b), and of any of the proposals set forth under paragraphs (2) through (8) and (10) of that subsection (b).

#### BROADBAND: A 21ST CENTURY TECHNOLOGY AND PRODUCTIVITY STRATEGY

(From the Office of Senator Joseph I. Lieberman, May 2002)

Over one hundred and fifty years ago, a new technology emerged that grabbed the imaginations of the public and the purse strings of investors. It was a technology that promised to bring people closer together and to greatly stimulate the economy of that time. In order to succeed, that new technology required that the land be crisscrossed with a network upon which news could be carried and goods could be traded.

Bankers funded hundreds of startup companies that were built to take advantage of the new network. Investors clamored to purchase shares at rapidly rising prices. And then, after little more than a decade of overbuilding the infrastructure, it all fell apart as shares plunged 85% and hundreds of businesses and banks went under.

The technology was steam-driven railroad and this is the story told in the May 13th issue of *Business Week*. The analogies to the Information Technology boom of the 1990s are unmistakable and the lessons are invaluable. But the most important part of the story is what happened after the railroad bubble burst.

Within two decades, railroads were carrying four times as many people as they had at the height of the boom. The tracks were cleared, leaving the most solid companies and the best of the rail technologies to survive. According to W. Brian Arthur, an economist at the Santa Fe Institute, the survivors then developed new strategies that resulted in the industry's greatest growth and had the greatest impact on business and society of that time.

We now find ourselves in the same situation that the railroads were in as they developed their new strategies, except the technology is now broadband. It is clear that broadband will revolutionize business and society in our time, just as the railroads did in theirs. But it is also a confusing time, as many different interests emerge with many different agendas. The issues to be faced are many and they are complex. For some, there will be no easy answers. But it is time for us to have a national strategy that addresses these issues in a coherent and comprehensive manner.

My staff has assembled this report over the past ten months with extensive input from industry, academia, and government. It was no small undertaking and I particularly thank Skip Watts and Chuck Ludlam of my office. While there have been numerous bills offered in Congress dealing with isolated components of broadband policy, this report is the first to identify the full range of issues that must be considered as part of a national broadband strategy designed to stimulate economic expansion.

As the first in a series of legislative initiatives, I will introduce the National Broadband Strategy Act of 2002 next week. This bill highlights the need for a carefully planned national strategy to provide universal availability of broadband and to motivate research and advances in broadband applications and content. It calls upon the Administration to recommend a coherent, cross-agency national broadband strategy in a series of key government policy areas, to Congress.

I want to emphasize that while there is an ongoing competitive scramble to reach the lower broadband speeds, we need to also pay real attention to advanced broadband and to attaining those much higher speeds. The report's Executive Summary identifies four key elements that will be integral to advanced broadband deployment. The elements include an FCC regulatory plan, tax incentives, research on advanced infrastructure technology, and deployment of applications.

As with the railroads of the mid-1800s, broadband is now poised to whistle in a new period of economic growth. We must do all that we can to nurture this emerging technology and to stimulate the development of new killer applications in the fields of education, medicine, government, and science. Commerce and entertainment will not trail far behind. The tracks of rail are now the "pipes" of broadband.

#### EXECUTIVE SUMMARY

Broadband deployment must become a national priority. Major economic growth and productivity gains can be realized by making affordable high-speed broadband Internet connections—which are already enjoyed by many universities and large businesses—widely available to American homes, schools, and small businesses.

In a soft economic climate with limited prospects for near-term recovery, broadband deployment is a necessary condition for the restoration of capital spending in the information technology sector. Such investments were the critical drivers of the non-inflationary growth that characterized the late 1990s. Broadband, which can play a pivotal role in encouraging investments in information technology, has the potential to transform education, health care, government, entertainment, and commerce.

Of course, embracing broadband as a vehicle for economic growth raises the question, "How fast is fast enough for truly advanced emerging applications?" The telecom, cable, and satellite industries are now providing Internet access at speeds typically less than 1.5 megabits per second (Mbps). A review of existing and likely technologies, however, suggests that we have only achieved the first level of broadband speeds. On the foreseeable horizon are technologies that offer advanced broadband speeds of 10 Mbps in the near-term, and 100 Mbps in the medium-term. A national strategy needs to focus on this advanced broadband opportunity. Arguably, it will be at these advanced speed ranges that the greatest benefits from broadband will come.

A successful strategy to accelerate the deployment of broadband will lead to immeasurable benefits to the quality of life and economy of the American people. But a successful strategy must encompass various issues in a comprehensive and coherent manner, and the debate must not become mired in any one debate. What we need is a sensible, intelligent approach that addresses the full range of issues within the context of an interrelated framework, not the piecemeal process that has brought us to the present confusion and controversies.

This strategy must recognize a truth that sometimes becomes lost in the multiplicity of debates over such issues as the regulation of telephone and cable companies. What is overlooked—and must be recognized—is that demand will drive the next phase of broadband expansion. Strong demand from consumers, smaller businesses, and even big businesses that currently have high-speed Internet connectivity, will produce a cycle of innovation and growth. But demand, in turn, requires that applications of real value be developed. It requires, in other words, "killer applications" that justify, in the minds of consumers, the price of progressively faster broadband connections.

The private sector will need to invest hundreds of billions of dollars before widespread broadband access becomes a reality. Government nevertheless has an important role to play as broadband suppliers face novel challenges in the areas of Internet privacy, security, spam, copyright protection, spectrum allocation, and rights-of-way. It is vital that, in these and other areas, government remain "technology-neutral" and that competition between the delivery technologies exist alongside competition within the technologies. This will allow the best and most cost-effective delivery systems to emerge, meeting the varied needs of different people and different regions across this diverse country.

There are, however, many ways that government, through a national strategy, can accelerate the life cycle of development and competition for emerging broadband technologies. It can do so by stimulating both the demand and supply side of broadband deployment. On the demand side, government should lead the way in generating demand by expanding e-government services to the public and to businesses, and by supporting the development of broadband tools for e-education and e-healthcare. E-entertainment

and e-commerce will be quick to take advantage of the expanded services, and renewed economic growth will surely follow. On the supply side, government can consider such tools as tax credits, loans, and grants for a wide variety of research, deployment, and broadband utilization activities.

As the first in a series of legislative initiatives, Senator Lieberman will introduce the National Broadband Strategy Act of 2002. This bill highlights the need for a coherent and comprehensive national strategy for providing widespread availability of broadband and for motivating research and advances in broadband applications and content. Because broadband implementation has been piecemeal, and stalled in significant part because numerous government agencies have failed to act quickly in deciding a wide range of broadband issues now pending before them, the bill calls upon the Administration to recommend a coherent, cross-agency national broadband strategy in a series of key government policy areas.

Parallel to that, and focusing on how we will get to truly advanced broadband speeds (in the range of 10 Mbps and 100 Mbps), Senator Lieberman will introduce over the next few months a series of substantive pieces of legislation addressing four key elements integral to a national strategy for advanced broadband deployment. The key elements are:

(1) FCC Regulatory Framework: Direct the FCC to explore all of the broadband deployment and delivery technology options to enable us to reach advanced broadband speeds. Retaining technological neutrality, the FCC will be asked to develop the regulatory framework to enable and implement a plan to deploy this advanced Internet capability.

(2) Tax Credits: Establish tax credits and incentives for a range of advanced broadband deployment and broadband utilization efforts. These could include credits for infrastructure deployment, equipment implementation, employee utilization, installation in atypical settings, and innovative applications.

(3) Advanced Infrastructure R&D: Ensure that fundamental R&D issues are tackled in a coordinated manner to overcome the scientific and technological barriers to advanced widespread broadband deployment. The U.S. has already established successful interagency and interdisciplinary initiatives under the National Information Technology Research & Development Program to advance critical IT technologies. We must leverage our existing expertise in these programs to resolve fundamental obstacles to effective broadband deployment and hasten the next generation of technologies. A cooperative R&D program, including government, industry and universities, will be critical to advanced broadband.

(4) Application R&D and Deployment: Require federal agencies to undertake R&D and promote the development and availability of major applications in areas where government plays a central role, including e-education, e-medicine, e-government, e-science and homeland security. This could stimulate demand for broadband and promote bridging of the digital divide consistent with the missions of government agencies. And the government should lead by example in moving to expand opportunities for broadband-based e-commerce in federal procurement, bidding, and contracting.

While time and technology will not stop, and our nation's eventual transformation into a broadband society will occur regardless of what steps are taken today, it is ours to choose whether we will be dragged into the next digital age resisting change, or whether we lead others into a new era of economic promise. If we are to take control of

our future, we must begin by harnessing the power of broadband as a necessary tool for navigating a world increasingly defined by the speed with which information changes and grows.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 2583. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise today along with Senator HILLARY RODHAM CLINTON to change the way the Veteran's Administration defines low-income veterans by taking into account variations in the cost of living in different parts of the country. The Corzine-Clinton legislation would make the Veteran's Equitable Resource Allocation just that: Equitable.

More specifically, this bill would replace the national income threshold for consideration in Priority Group 5, currently \$24,000 for all parts of the country, with regional thresholds defined by the Department of Housing and Urban Development. This simple but far-reaching proposal would help low income veterans across the country afford quality health care and ensure that Veterans Integrated Service Networks or VISNs receive adequate funding to care for their distinct veterans populations.

Our Nation's veterans have made great sacrifices in defense of American freedom and values, and we owe them a tremendous debt of gratitude. The United States Congress must ensure that all American veterans, veterans who have sweated in the trenches to defend liberty, have access to quality health care.

In 1997, Congress implemented the Veterans Equitable Resource Allocation system, or VERA, to distribute medical care funding provided by the VA. The funding formula was established to better take into account the costs associated with various veteran populations. Unfortunately, the VERA formula that was created fails to take into account regional differences in the cost of living, a significant metric in determining veteran healthcare costs. This oversight in the VERA formula dangerously shortchanges veterans living in regions with high costs of living and elevated health expenses.

To allocate money to the Veterans' Integrated Service Networks, VISNs, VERA divides veterans into seven priority groups. Veterans who have no service-connected disability and whose incomes fall below \$24,000 are considered low income and placed in Priority Group 5, while veterans whose incomes exceed this national threshold and qualify for no other special priorities are placed in Priority Group 7c.

Using a national threshold for determining eligibility as a low-income veteran puts veterans living in high cost

areas at a decided disadvantage. In New Jersey, HUD's fiscal year 2002 standards for classification as "low-income" exceed \$24,000 per year in every single county. And some areas exceed the VA baseline by more than 50 percent. Similarly, HUD's "low-income" classification for New York City is set at \$35,150 and for Nassau and Suffolk Counties, at \$40,150.

As a result, regions that have a high cost of living, like VISN 3, which encompasses substantial portions of New Jersey and New York, tend to have a reduced population of Priority Group 5 veterans and an inflated population of Priority Group 7c veterans.

The fundamental inequity of the VERA formula is apparent when you consider that VERA allocations do not take into account the number of veterans classified in Priority Group 7c. With the costs associated with veterans in Priority Group 7c not considered as part of the VERA allocation, and with high cost of living areas possessing inflated populations of Priority Group 7c vets, high cost regions must provide care to thousands of veterans without adequate funding.

This additional financial burden on VISNs with large populations of veterans in Priority Group 7c has had a tremendous impact on VISN 3. Since FY 1996, VISN 3 has experienced a decline in revenue of 10 percent. As a result of the tremendous shortfall in the VISN 3 budget, the VA cannot move forward with plans to open clinics in various locations, including prospective clinics in Monmouth and Passaic Counties. Consequently, veterans in VISN 3 are forced to wait for unreasonably long periods to receive medical care and travel long distances to existing clinics.

Furthermore, miscategorizing which vets qualify as Priority Group 5 unjustifiably reduces access to medical care for thousands of veterans. Under existing rules, veterans placed in Priority Group 7c must provide a copayment to receive medical care at a VA medical facility; Veterans placed in Priority Group 5 receive medical care free of charge. Under the existing framework, low-income vets in high cost areas are often inappropriately placed in Priority Group 7c, and are forced to provide a copayment.

Recent studies by both the Rand Institute and the General Accounting Office identify this flaw in the VERA formula and recommend a geographic means test like the one provided in our legislation to improve the allocation of resources under VERA. Such a test would ensure that the VERA formula allocation better reflects the true costs of VA healthcare in the various VISNs in the United States.

Our legislation would make a simple adjustment to the VERA formula to account for variations in the cost of living in different regions. The bill would help veterans in high cost areas afford VA health care and guarantee that VISNs across the country receive

adequate compensation for the care they provide.

I hope my colleagues will join Senator CLINTON and me in supporting this important bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2583

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

**SECTION 1. DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PRIORITY FOR CERTAIN LOW-INCOME VETERANS BASED UPON REGIONAL INCOME THRESHOLDS.**

(a) CHANGE IN PRIORITY CATEGORY.—Section 1705(a) of title 38, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting “(A) who are” after “Veterans”;

(B) by inserting “and” after “through (4)”;

and  
(C) by inserting before the period at the end the following: “, or (B) who are described in section 1710(a)(3) of this title and are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b)”;

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7) and in that paragraph by striking “paragraph (7)” and inserting “paragraph (5)(B)”.

(b) CONFORMING AMENDMENT.—Section 1710(f)(4) of such title is amended by striking “section 1705(a)(7)” and inserting “section 1705(a)(5)(B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2002.

Mrs. CLINTON. Mr. President, I rise today, along with Senator CORZINE, to introduce legislation to remedy the gross disparity in the distribution of Federal dollars to provide health care services to our nation's veterans around the country.

The source of the gap is a formula that does not sufficiently take into account the needs of all facilities, effectively unfairly penalizing states in the Northeast and Midwest. And New York has lost tens of millions of dollars as a result. The bill we're introducing today would provide increased funding for networks in high-cost of living areas, like New York and New Jersey, and help low-income veterans afford quality health care.

In 1997, to repair geographic inequities in the distribution of VA allocations, the Federal government put in place the Veterans Equitable Resource Allocation, VERA, system. As I noted in a letter I sent to VA Secretary Anthony Principi on this issue in March, the VERA formula was intended to better meet the needs of the large number of veterans who flocked to the South. As a General Accounting Office, GAO, report released in February 2002 makes clear, however, the 6-year-old formula

has resulted in disparities and cutbacks in health services for veterans in the Northeast and Midwest. Veterans' hospitals in these regions lost a staggering \$921 million.

The VERA formula is flawed for a number of reasons. First, the formula, which is based on the number of veterans, does not take into account the differences in various patient health care needs within different networks. As the GAO report states, the formula “excludes about one-fifth of VA's workload in determining each network's allocation.” These are veterans who do not have service-related disabilities and whose incomes fall within a low-priority range, called “Priority 7”.

Although this group is considered a low-priority, these individuals represent a growing percentage of the veteran population who seek care at VA facilities. From fiscal year 1996 through fiscal year 2001, the number of veterans with incomes within this range increased from 4 percent to 22 percent of the total caseload. However, the formula has not been adjusted to reflect the dramatic increase in these “Priority 7” cases, leaving many networks without the resources to meet the growing demand.

Further, the formula does not accurately reflect the higher cost of medical care in the Northeast. Because VA hospitals in New York City, and Nassau and Suffolk counties are situated in a high cost of living area, they tend to have an inflated number of Priority Group 7 veterans. VA health networks in high cost regions provide care to thousands of veterans without sufficient funding to do so. Additionally, taking into account the regional cost of living would relieve many Priority 7 veterans of the burden of making a copayment.

Finally, the number of veterans treated nationally over the last several years rose 47 percent, with all VA networks contributing to that increase. As I noted to Secretary Principi, a rise in patient caseloads spread across the health network should dictate an equitable distribution of funding. The GAO's recommendations can be reduced to one simple goal: “comparable resources for comparable workloads.” Any delay in fixing this formula, the GAO stated, means that approximately \$200 million in veterans' health funding annually would be allocated unjustly.

One of my State's newspapers, the Poughkeepsie Journal, reported that Secretary Principi agreed with the GAO's assessment of the formula but wanted to conduct another study of hospital workloads and patient needs before taking action. I strongly believe sufficient time has already been devoted to studying this issue. I urge Secretary Principi to take specific actions now to carry out the recommendations outlined in the GAO's report.

The courageous service and sacrifice of our Nation's veterans in defense of our nation and our democratic values

should never be forgotten. Fulfilling our promise to provide for their health care needs is an important part of the enduring bond that we share. I urge my colleagues to support our legislation to remedy this unfair formula so that all of our nation's veterans have access to the health services they deserve.

By Mr. ALLARD (for himself, Mr. MILLER, and Mr. CRAPO):

S. 2584. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise to introduce the American Dream Downpayment Act, which will help thousands of families achieve the American Dream of homeownership. The rate of homeownership in the United States has risen steadily over the past few years. However, for many working families, low-income families, women-headed households, minorities, urban dwellers and young families the dream of homeownership remains elusive.

While Americans enjoy the world's greatest opportunities for becoming homeowners, only 46 percent of African-American and Hispanic families own their homes as compared to 74 percent of non-Hispanic whites who own their homes. For many of these families, the biggest barrier to homeownership is their inability to afford downpayment requirements and closing costs.

To help eliminate the gaps in homeownership achievement, I am introducing the American Dream Downpayment Act. This legislation will help 40,000 families annually, focusing on low-income families who are first-time homebuyers. The American Dream Downpayment Fund will provide communities across America with \$200 million in grants to help homebuyers with the downpayment and closing costs.

The American Dream Downpayment Fund, which will be administered as a part of HUD's existing HOME Investment Partnerships Program, HOME, will make more than 400 State and local governments eligible to receive the \$200 million in grant funding to help more families achieve the American Dream of homeownership.

The positive effects of homeownership exist on many levels: homeownership has public benefits in the form of neighborhood stability, individual benefits in the form of the financial rewards that come from the appreciation of equity in a home over time, and personal benefits that stem from the satisfaction of attaining a goal, the pride of ownership, and a greater sense of security. In addition to these affirmative impacts of homeownership, the Homeownership Alliance released findings of a study revealing that children living in owned homes had nine percent higher achievement in mathematics and

seven percent higher achievement in reading.

I look forward to working with my colleagues in the Senate on the American Dream Downpayment Act. I believe this legislation will be critical in helping more families achieve the American Dream of homeownership.

I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2584

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Dream Downpayment Act".

#### SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

##### "Subtitle E—Other Assistance

#### "SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

"(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—Grants made under this section may be used only for downpayment assistance toward the purchase of single family housing by low-income families who are first-time homebuyers.

"(2) DEFINITION.—For purposes of this subtitle, the term 'downpayment assistance' means assistance to help a family acquire a principal residence.

"(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy submitted under section 105 for such year, a description of the use of the grant amounts.

"(d) FORMULA ALLOCATION.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers.

"(2) ALLOCATION AMOUNTS.—The formula referred to in paragraph (1) may include minimum and maximum allocation amounts.

"(e) REALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d).

"(2) EXCEPTION.—If a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

"(f) APPLICABILITY OF OTHER PROVISIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, grants made under this section shall not be subject to the provisions of this title.

"(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants made under this section shall be subject to

the provisions of title I, sections 215(b), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

"(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

"(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

"(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

"(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

"(h) FUNDING.—

"(1) FISCAL YEAR 2002.—This section constitutes the subsequent legislation authorizing the Downpayment Assistance Initiative referred to in the item relating to the 'HOME Investment Partnerships Program' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107-73; 115 Stat. 666).

"(2) SUBSEQUENT FISCAL YEARS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2003 through 2006."

(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following:

#### "SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

"The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall not apply to downpayment assistance under this title."

#### SEC. 3. REAUTHORIZATION OF SHOP PROGRAM.

Section 11(p) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking "such sums as may be necessary for fiscal year 2001" and inserting "\$65,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal year 2004".

#### SEC. 4. REAUTHORIZATION OF HOPE VI PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking "\$600,000,000" and all that follows through "2002" and inserting the following: "\$574,000,000 for fiscal year 2003".

(b) SUNSET.—Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking "September 30, 2002" and inserting "September 30, 2003".

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2585. A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, today I introduce this bill, Spirit Lake and Twin Lakes Omitted Lands Act of 2002 to help resolve a land ownership problem that affects over 400 private property owners and homeowners located

around Spirit Lake and Twin Lakes in Kootenai County, ID.

In 1880, a public land survey prepared under contract with the General Land Office, grossly misrepresented portions of the actual lakeshore of the two lakes. The surveys show the meander lines along the lakes up to one-half mile away from their actual location. The errors were not discovered until recently. Over the years, the shorelines of these popular lakes have become heavily developed and property owners have purchased their property and held it in good faith ownership. Most of the property owners affected by this situation have a chain of title that goes back over 100 years. Due to the inaccuracy of the original government survey, county officials have expressed concern regarding their inability to approve and regulate new developments, surveys, permits, etc. The Bureau of Land Management, the responsible Federal agency, has determined that it has no interest in the affected land and wishes only to remove the cloud on the titles.

Under current federal law the Bureau of Land Management (BLM) would be required to conduct a resurvey to properly describe the land. Much of this land would then become "omitted land" and would revert to federal ownership. Landowners who already paid fair market value for the land would then have to re-purchase it, along with paying a \$50 application fee, and paying for the appraisal, survey, and conveyance costs.

Obviously, this is not an acceptable solution and does not provide the most equitable benefit to the public, so Senator CRAPO and I are introducing this legislation. A companion bill is being offered in the House of Representatives by Mr. OTTER. This legislation will authorize funds for the BLM to resurvey the land and direct the BLM to issue disclaimers of interest to all of the affected property owners. This is the only acceptable solution and one that keeps the landowners whole.

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. 2585

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

#### SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The meander lines in the original surveys by John B. David, deputy surveyor, of two lakes in the State of Idaho, Spirit Lake, formerly known as Lake Tesemini, located in T. 53 N., R. 4 W., Boise Meridian, and Twin Lakes, formerly known as Fish Lake, located in T. 52 N. and T. 53 N., R. 4 W., Boise Meridian, do not reflect the current line of ordinary high water conditions.

(2) All lands adjacent to the original meander lines have been patented.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to issue a recordable disclaimer of interest by the

United States to any omitted lands or lands lying outside the record meander lines in the vicinity of the lakes referred to in subsection (a).

## SEC. 2. DEFINITIONS.

In this Act:

(1) **RECORDABLE DISCLAIMER OF INTEREST.**—The term “recordable disclaimer of interest” means a document recorded in the county clerk’s office or other such local office where real property documents are recorded, in which the United States disclaims any right, title, or interest to those lands found lying outside the recorded meander lines of the lakes referred to in section 1(a)(1), including omitted lands, if any.

(2) **OMITTED LANDS.**—The term “omitted lands” means those lands that were in place on the date of the original surveys referred to in section 1(a)(1) but were not included in the survey of the township and the meander lines of the water body due to gross error or fraud by the original surveyor.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

## SEC. 3. SURVEYS.

The Secretary shall—

(1) conduct a survey investigation of the conditions along the lakeshores of Spirit Lake and Twin Lakes in the townships referenced in section 1(a); and

(2) after the completion of the survey investigation, resurvey the original meander lines along the lakeshores, using the results of the survey investigation.

## SEC. 4. DISCLAIMER OF INTEREST IN LANDS ADJACENT TO SPIRIT LAKE AND TWIN LAKES, IDAHO.

Upon acceptance and approval of the surveys under section 3 by the Secretary, the Secretary shall—

(1) prepare a recordable disclaimer of interest with land descriptions, using the lot or tract numbers of the omitted lands, if any, and lands lying outside the record meander lines, as shown on the survey plats; and

(2) record such recordable disclaimer of interest simultaneously with the filing of the surveys.

## SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary \$400,000 to carry out this Act. Funds appropriated to carry out the purposes of this Act may be available without fiscal year limitation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2587. A bill to establish the Joint Federal and State Navigable Waters Commission of Alaska; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill that will help rectify a long-standing problem that adversely affects an array of citizens, landowners, and government entities in Alaska. The Alaska Navigable Waters Commission legislation will create a joint Federal-State commission to establish a process to facilitate determinations of the navigable status of lakes, rivers, and streams in Alaska. This is a vital step in determining the ownership of the riverbanks and submerged lands.

Under the Equal Footing Doctrine and the Submerged Lands Act, every state gains title to the submerged lands that underlie navigable waterways within its borders upon entering the Union. Or, I should say, is supposed to gain title. For decades now, the

State of Alaska has been in the unique position of having unresolved navigability determinations for tens of thousands of waterways around the state. This leaves not only the ownership status in limbo but causes unnecessary jurisdictional problems and headaches. This is an intolerable position for Alaskans.

In fact, since Alaska became a State in 1959, only 13 of its more than 22,000 rivers have been determined to be navigable, and the status of well over one million lakes has been left in question. The only recourse available to the State has been to pursue litigation against the United States, a time-consuming, expensive, and unwarranted requirement.

To date, the Federal Government has been unwilling to sit down with the State and make these determinations, even though for the vast majority of these waterways, no reasonable person could disagree as to the navigability of the waters under well-established legal standards.

I want to stress to my colleagues that this bill does not change in any way the legal criteria for navigability determinations. Those have been well settled in a body of Federal case law, led by the Gulkana decision, that stands undisturbed by this legislation. What the bill does is create a joint, Federal-State body to engage in dialogue that will help to resolve these long-standing disputes, and bring Alaska the same legal rights enjoyed by its 49 sister States.

Creating a joint commission to resolve thorny Federal-State issues is not a novel concept. In 1971, the Congress and the State of Alaska created a joint commission to assist in the land-use planning process created under the Alaska Native Claims Settlement Act. This process streamlines communication between the State and Federal governments, and creates an infrastructure for ongoing negotiation over difficult issues. It also obviates the need for litigation over the status of those waterways where agreement can be reached. I think we all can agree that anything that reduces the need for litigation is a good thing.

The Alaska legislature has considered companion legislation, introduced by the Senate President, Rick Halford, and the Speaker of the Alaska House, Brian Porter. That legislation has now been approved by both houses of the legislature. We should enact Federal legislation so that we may join the State of Alaska in seeking to rectify the problem.

I encourage my colleagues to support this bill. Under the Equal Footing Doctrine, Alaska is supposed to enjoy the same rights and privileges as all other states. This bill is another important step in making that national principle a reality.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2588. A bill to prohibit the exportation of natural gas from the United

States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to protect those living along the California-Mexican border from harmful power plant emissions.

This bill, which Congressman DUNCAN HUNTER is also introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California’s air pollution standards.

Currently there are two new power plants planned for Mexicali, Mexico, a city right across the border from Imperial County, California. Imperial County is the region in Southern California impacted most by pollution in Mexico. And since the county has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not.

I am introducing this legislation today to make sure any plant that comes online along the California-Mexican border meets the same air quality standards as plants in California.

The residents of Imperial County and the entire Southern California region deserve nothing less.

I have heard from many constituents in Southern California concerned about the InterGen plant and local officials in Imperial County are adamantly opposed to the InterGen plant because the company has refused to install pollution control devices on all four operating units.

This legislation will ensure energy plants along the border employ the best technology available to control pollution and protect the public health for residents of Southern California and other border regions in a similar situation.

The bill will prohibit energy companies from exporting natural gas from the United States for use in Mexico unless the natural gas fired generators south of the border meet the air standards prevalent in the United States. This will effectively cut power plants off from their natural gas supply if they do not meet higher emissions standards.

This legislation will not constrain power plants that were put online prior

to January 1, 2002. It will apply to plants built after the new year and projects that come online in the future.

This bill will only apply to power plants within 50 miles of the U.S.-Mexican border.

And the legislation will only apply to power plants that generate more than 50 megawatts of power. We do not want to block any moves to replace dirty diesel back-up generators with cleaner natural-gas fired small power sources.

The bill calls for collaboration between the Secretary of Commerce and the Administrator of the Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power online. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an excuse to devote less attention to clean air and public health.

It is not unreasonable to ensure that companies making money in the California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. MURKOWSKI:

S. 2589. A bill to provide for the prohibition of snow machines within the boundaries of the "Old Park" within the boundaries of Denali National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to resolve the issue of snowmobile access in Denali National Park in my home State of Alaska.

Denali National Park and Preserve encompasses just under 5 million acres in the interior of Alaska, including North America's highest mountain, 20,320-foot Mount McKinley. Large glaciers of the Alaska Range, caribou, Dall sheep, moose, grizzly bears and timber wolves live within this great landscape.

The original Mt. McKinley National Park was created on February 26, 1917 and additional acreage was added in 1922 and 1932, bringing the park size to 1.9 million acres. In September of 1978 a separate Denali National Monument was proclaimed. In 1980, Congress enacted the Alaska National Interest Lands Conservation Act, ANILCA. ANILCA incorporated Mt. McKinley National Park and the National Monument to create the 4.7, plus million acre Denali National Park and Preserve.

Section 1110(a) of ANILCA, mandates motorized vehicle access for the purpose of engaging in traditional activi-

ties in specific conservation system units. However, the National Park Service recently redefined "traditional use," and instead ordered the "old Mt. McKinley National Park closed to snowmobiles, which common sense dictates are motorized vehicles.

For the past two years, this closure has been before the Federal Courts in Alaska in litigation filed by the International Snowmobile Manufacturers Association and the Alaska State Snowmobilers Association against the Department of the Interior and the National Park Service.

A few months ago, the plaintiffs dismissed their suit against the Government, and, with the approval of the Department of Justice, both parties are seeking a more reasoned legislative solution to address the access issue once and for all.

This legislation provides such a solution, it addresses snowmobile access in the 1.9 million acre "Old Park" by permanently excluding approximately 1.5 million acres north of the Alaska Range from snow machine access while reaffirming the applicability to Section 1110(a) access for this activity in approximately 400,000 acres south of the Alaska Range. In short, this solution eliminates conflict between the various user groups, and the many issues relating to wildlife and natural resource protection.

I thank the Alaska State Snowmobile Association, Inc. and the International Snowmobile Manufacturers Association, for their actions to dismiss the legal challenge involving the use of snow machines in Denali National Park and Preserve. I look forward to working with the Associations; the Department of the Interior; the National Park Service; my colleagues on both sides of the Capitol; as well as other interested parties, for their assistance in developing environmentally and scientifically sound decisions and solution that will achieve both reasonable access and protection for the wildlife and valuable natural resources found in this outstanding unit of the National Park System.

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. 2589

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

#### SECTION 1. SNOWMOBILE CLOSURE.

(a) Notwithstanding any other provision of law, those portions of Denali National Park and Preserve depicted as "Area A", within the exterior boundaries of the former Mt. McKinley National Park, on map numbered 222 and entitled Denali National Park and Preserve, dated "revised 1999", shall not be considered a conservation system unit for the purposes of access by snowmachines pursuant to Section 1110(a) of Public Law 96-487 nor subject to the Departmental regulations implementing that subsection.

(b) The Statement of Finding, dated June 2000; the Environmental Assessment, revised

June 6, 2000; the Finding of No Significant Impact, dated June 6, 2000; and the regulations promulgated by the National Park Service on June 19, 2000 that are codified at 36 Code of Federal Regulations 13.63(h)(1)-(3), all relating to the closure of portions of Denali National Park and Preserve to snowmobile use, are hereby revoked, and the use of snow machines shall be permitted within "Area B" as depicted on the map referenced in subsection (a).

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. BREAUX, and Mr. GREGG):

S. 2590. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I am pleased to join today with my colleagues Senators JEFFORDS, BREAUX, and GREGG in introducing crucial legislation, the Patient Safety and Quality Improvement Act.

Each year, as many as 98,000 people in the United States die as a result of medical errors. More Americans die each year from medical errors than from breast cancer, AIDS, or motor vehicle accidents. As a physician who has taken the Hippocratic oath "To do no harm," the status quo is simply unacceptable. As the Institute of Medicine wrote in its landmark 1999 report, *To Err is Human*: "[I]t is simply not acceptable for patients to be harmed by the same health care system that is supposed to offer healing and comfort."

The legislation we are introducing today will go a long way toward preventing many of these tragedies. Although a variety of patient safety initiatives are underway in the private sector as well as within the Department of Health and Human Services, and in the states, Congress has an important role to play in reinforcing, encouraging, and enhancing these efforts.

The major contribution of this legislation is to foster an open, collaborative environment where doctors, nurses, and other health professionals can share information freely and analyze it thoroughly. Health care providers should not be punished for trying to learn from their mistakes, reduce medical errors, and improve the quality of care they deliver to patients.

As a physician and a scientist, I know first hand about the enormous complexities of medicine today and the intricate system in which providers deliver care. I also recognize the need to examine medical errors closely in order to determine where the system has failed patients, and how it can be improved. Yet, adequate protections do not exist today to foster this type of learning and improvement environment. For example, hospitals currently rely upon Mortality and Morbidity Conference to share information about medical errors that occur with respect to individual patients. Unfortunately, because these conferences are focused



on events involving individual patients within a single hospital, it is impossible to address system-wide quality and safety problems that may exist across hospital systems and within broader communities. Fear of litigation is the primary barrier to sharing and analyzing information that could save lives and improve treatment within the broader health care community.

We have seen this type of non-punitive reporting model work to vastly improve safety in other situations. In 1975, the Federal Aviation Administration established the Aviation Safety Reporting System, ASRS, to encourage pilots, controllers, flight attendants, mechanics, and the public to voluntarily report actual or potential discrepancies and deficiencies involving the safety of aviation operations. Because this information was widely shared and analyzed, the ASRS helped to significantly improve aviation safety in the United States. The risk of dying in a domestic jet flight decreased from one in two million in 1967 to 1976 to only one in eight million in the 1990s.

The Institute of Medicine, as well as many experts who have testified before Congress during the past few years, have strongly recommended that Congress provide the same type of legal protections for information gathered and reported to improve health care quality and increase patient safety. Without these protections, patient safety improvements will continue to be hampered by fears of retribution and recrimination. If we are to change the health care culture from "name, shame, and blame" to a culture of safety and continuous quality improvement, we must provide these basic protections.

In extending these protections, we have tried to encourage widespread voluntary error reporting while continuing to allow access to medical records and other information that should be available to patients for litigation or other purposes. Protecting data reported to a certified patient safety reporting system does not mean that such information cannot be obtained through other avenues if it is important to securing redress for harm. At the same time, information generated by this new reporting system designed specifically to reduce errors and broadly benefit patients should not become fodder for increased litigation. Moreover, the legislation expressly allows for patient safety information to be disclosed in the context of a disciplinary proceeding or criminal case where it is 1. material to the proceeding; 2. within the public interest; and 3. not available from any other source.

I want to thank Senators JEFFORDS, BREAUX, and GREGG for their support, and input into this legislation. I look forward to working with them, Senator KENNEDY, and my other colleagues in both the House and Senate, to pass legislation that will advance patient safety efforts.

I also value the leadership of the Bush Administration on this critical issue. The Administration's efforts to improve patient safety are underscored by the commitment, support and direct involvement of both Secretary Thompson of the Department of Health and Human Services and Secretary O'Neill of the Department of Treasury in helping to shape this legislation.

Americans take pride in offering the most advanced medical care in the world. A bounty of new devices, new treatments, and new techniques offer the hope of living longer and healthier than ever before. Yet, medical mistakes continue to take thousands of lives and cost billions of dollars each year. We must not let the miracle of modern medicine be extinguished by medical errors. This bill will make the changes in culture and communications that are needed to increase the safety of America's health care system, and improve the quality of care delivered to America's patients.

Mr. JEFFORDS. Mr. President, I am happy to have the opportunity today to speak on the vital issue of patient safety and medical errors, and to introduce legislation that will ensure better health care for all Americans. In 1999, the Institute of Medicine published a classic reference book titled *To Err is Human*, which reported that hospital medical errors contribute to approximately 100,000 deaths a year.

This troubling statistic has been verified by research done by the Commonwealth Foundation and reviewed by articles in the *Journal of the American Medical Association*, the *Annals of Internal Medicine*, and the *New England Journal of Medicine*. This statistic shows that medical errors are a more common cause of death than motor vehicle accidents or breast cancer, and it puts medical errors as the eighth leading cause of death in the United States.

This is totally unacceptable and it need not be occurring at all. Today, I am pleased to introduce legislation with my colleagues Senators FRIST, BREAUX, and GREGG, the "Patient Safety and Quality Improvement Act," that will put us on the path to correcting these medical errors.

The "Patient Safety and Quality Improvement Act" lays the groundwork for preventing these unnecessary deaths and injuries. Only by providing a framework through which medical errors can be reported and analyzed will we be able to make changes, strengthen and improve our health-care system and reduce morbidity and mortality.

Since the 106th Congress, the Senate Health, Education, Labor, and Pensions Committee has held five hearings on this important issue. The testimony given during these hearings reflected an overwhelming agreement with the IOM report and the "Patient Safety and Quality Improvement Act," acts upon the IOM's findings and recommendations.

Key elements of *To Err is Human* call for improvements in patient safety by

developing a learning, rather than a punitive environment; legal protections of privacy and privilege that would foster care systems to be reviewed and appropriate collaborations to occur in developing and implementing patient safety improvement strategies.

Our legislation addresses all of these concerns. Currently, adequate legal protections and a non-punitive environment do not exist to foster the exchange of information and the analysis that is needed to deal with the complex issues of improving patient safety. Our measure creates opportunities for higher standards of continuous safety improvement, and encourages a new culture of patient safety dialogue to insure that safety information will be shared voluntarily and that appropriate collaboration and analysis will occur. It can not be overly stress that an environment where information, data, process, and recommendations enjoy legal protection and privilege it is essential to any safety organization.

These are the key elements of what the "Patient Safety and Quality Improvement Act" will do. It promotes a "culture of safety" in our health care system by providing for the legal protection of information reported voluntarily for the purposes of quality improvement and patient safety. It creates incentives for creating voluntary reporting systems that are non-punitive and promote learning. It recognizes that to be effective, these systems must have the buy-in, trust, and cooperation of the health care providers. It recognizes the Agency for Healthcare Research and Quality (AHRQ) as the leader in patient; safety for funding research and for dissemination of information learned about improving patient safety; and finally, it complements many ongoing patient safety initiatives in the public and private sector.

Finally, I want to point out what the bill does not do: It does not change existing remedies available to injured patients or limit a patient's access to their medical record; it does not "shield" or put patient information that is otherwise available beyond the reach for the purposes of disciplinary, civil or criminal proceedings; it does not change current regulatory processes or add new regulatory requirements; and it does not create mandatory, punitive reporting systems.

Our bill enjoys widespread endorsement by over 40 hospital, patient, doctor, and consumer advocacy organizations, and this degree of support underscores the broad appeal and essential nature of this proposed legislation. It is my strong desire that this bill receive the prompt attention that the issue clearly deserves.

All of us are justifiably proud of our hospital system and the wonders of medicine and technology. But we can no longer ignore the well documented incidence of medical errors, which waste needed medical resources and

cause excessive medical complications and unacceptable loss of life. Without attention to this matter, it is reasonable to expect that thousands of innocents will suffer unnecessarily in our hospitals. We simply must not allow this to happen.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mrs. HUTCHISON, Mrs. MURRAY, Ms. COLLINS, Mrs. BOXER, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. CANTWELL, Mrs. CLINTON, and Mrs. CARNAHAN):

S. 2591. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Mammography Quality Standards Reauthorization Act of 2002. This important bipartisan bill will continue a valuable program that helps save women's lives. I am proud that my good friend, Senator SNOWE, and other colleagues have joined on a bipartisan basis to introduce this legislation.

Mammography is not perfect, but it is the best screening tool we have now. Mammograms must be as safe and accurate as possible. A mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. That's why I have fought over the last 10 years to make them even better.

The Mammography Quality Standards Act, MQSA, that I authored has improved the quality of mammograms in this country over the last 10 years. MQSA has brought facilities nationwide into compliance with Federal quality standards. Before MQSA, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. This year Congress must reauthorize the Mammography Quality Standards Act, because women must continue to have safe, quality mammograms. Until there are more effective screening tools, mammography is still the front line against breast cancer.

Ten years ago before the Mammography Quality Standards Act, MQSA, first became law, there was an uneven patchwork of standards for mammography in this country. Image quality of mammograms varied widely. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were mis-

read, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in raising the quality of mammography services that women receive.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

MQSA also ensures that women receive direct written notification of their mammogram results. Women will not assume that "no news is good news" when this is not always the case. They know what their results are, so that they can get any follow up care they need.

The bill that I am introducing today extends the successful MQSA program for another five years. It also allows the Secretary of Health and Human Services to issue a temporary certificate to a mammography facility if certain conditions have prevented the facility from completing the reaccreditation process before its certificate expires. What does this mean? If a facility acquires new mammography equipment and this prevents the facility from meeting reaccreditation time frames, the facility could get a temporary certificate that would allow it to continue to perform mammograms for up to 45 days. The temporary certificate can only be issued if the facility's accreditation body has issued a 45-day accreditation extension. This will provide protection in the law, so that in certain circumstances a mammography facility will not have to close its doors when its certificate expires before it is reaccredited.

This bill also brings to bear the expertise of the Institute of Medicine and the General Accounting Office to further improve MQSA and provide Congress with expert recommendations to consider during the next reauthorization of MQSA.

I look forward to working with my colleagues to reauthorize this important program this year. Last year, an estimated 192,200 women were diagnosed with breast cancer in this country and about 39,600 women died from breast cancer. Early detection and treatment are essential to reducing breast cancer deaths. I urge my colleagues to cosponsor this important bill, and I look forward to its enactment this year.

By Ms. LANDRIEU (for herself, Mr. DEWINE, and Ms. STABENOW):

S. 2592. A bill to provide affordable housing opportunities that are headed by grandparents and other relatives of children, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I am sure that each and every member of the United States Senate, if asked, could share fond memories of times they spent with their grandparents. I know that for me many of my most memorable childhood memories were spent with my grandmother and grandfather. Summer vacations, Christmas dinners and school recitals were all the more special because Grandma or Grandpa were there. Grandparents are always there to share words of wisdom and windows to the past with their grandchildren. They provide unconditional love and support to parents and their children as they prepare to become our Nation's next generation.

Today, over 4 million grandparents in America are doing more than attending birthday parties and buying their grandchild's first bicycle. The US Census bureau reports that over 4 million grandparents are serving as a full time parent to their grandchildren. In my own State, Louisiana, over 150,000 grandparents are filling these roles. Many of these children have parents who have died, are in prison, or are suffering from substance abuse or mental illness. Others have been taken out of abusive homes. These "grandfamilies" come in all shapes and sizes. Some live in rural areas, some live in cities, others in suburbs. They come from all races, ethnicities and social status and they live in every single State in the Nation.

Grandparents raising children face many barriers, especially if they do not have legal custody of the children, as is the case with a large portion of these caregivers. Most of these grandparents were at a point in their life when the major decisions faced by their peers are surrounding prescription drug coverage and retirement plans. Instead, these seniors are faced with questions about homework, the cost of baby formula and diapers, and where to find safe and affordable housing big enough for the whole family. While this bill does not address all of these barriers, it does attempt to address the critical need for affordable housing.

These families often live in small apartments, assisted living communities or houses that are not suitable for the children they care for. If the grandparent is living in public senior housing, where children are disallowed, they are often subject to eviction if the children are discovered. Furthermore, if a housing development is constructed for seniors, these apartments are often not "child proofed" and there are often no places for the children to play safely. If these grandparents can afford to move to housing that is more suitable for the children, they are often forced to give up some of the amenities

that improve an elderly person's quality of life, such as ramps and bathroom rails.

Many programs throughout the Nation have tried to address the need to provide safe and affordable housing for these families. One program, Grandfamilies House, in Massachusetts provides 26, two, three and four bedroom apartments that come equipped with the safety features needed by the older and younger residents it hopes to serve. In addition, they provide on site services to residents, including support groups, exercise programs and a before and after school program. This program is serving as a model to other communities that are hoping to create such an environment for their intergenerational families. There are many localities that have begun the process of implementing programs like the Grandfamilies House in: Baltimore, MD; Buffalo, NY; Chicago, IL; Detroit, MI; Nashville, TN; New York City, NY; Cleveland, OH and Philadelphia, PA.

This bill would allow these programs to grow and prosper as well as encouraging other public and private partners to engage in developing these types of programs. Specifically, this bill authorizes the Secretary of the Housing and Urban Development to provide grants under a demonstration program that would be targeted toward meeting the housing and service needs of grandparent headed households. Furthermore, it clarifies key sections of federal housing law to ensure that grandparents raising grandchildren are able to access the federal assistance provided under federal housing programs. Finally, it directs the Secretary of HUD to provide specialized training to HUD personnel focused on grandparent-headed and relative-headed families.

With 4 million children living solely with grandparents or other relatives, safe and affordable housing for these families is a concern that must be addressed. This is a simple and cost efficient way to begin to address this important question. I would like to thank my colleagues, Senator DEWINE and Senator STABENOW, for their support of this legislation. I urge my colleagues to join us in support of this bill and hope that it will become law this year.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 281—DESIGNATING THE WEEK BEGINNING AUGUST 25, 2002, AS "NATIONAL FRAUD AGAINST SENIOR CITIZENS AWARENESS WEEK"

Mr. LEVIN (for himself, Ms. COLLINS, Mrs. CLINTON, Ms. CANTWELL, Mr. BAYH, Mr. CORZINE, Mr. SPECTER, Mr. SMITH of Oregon, Mr. INOUE, Ms. LANDRIEU, Mr. BREAUX, Mr. TORRICELLI, Mr. BUNNING, Mr. AKAKA, Mr. HAGEL, Mr. CRAIG, Mr. DEWINE, Mr. DURBIN, and Mr. CAMPBELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. RES. 281

Whereas perpetrators of mail, telemarketing, and Internet fraud frequently target their schemes at senior citizens because seniors are often vulnerable and trusting people;

Whereas, as victims of such schemes, many senior citizens have been robbed of their hard-earned life savings and frequently pay an emotional cost, losing not only their money, but also their self-respect and dignity;

Whereas perpetrators of fraudulent schemes against American seniors often operate outside the United States, reaching their victims through the mail, telephone lines, and the Internet;

Whereas the Deceptive Mail Prevention and Enforcement Act increased the power of the United States Postal Service to protect consumers against those who use deceptive mailings featuring games of chance, sweepstakes, skill contests, and facsimile checks;

Whereas the Postal Inspection Service responded to 66,000 mail fraud complaints, arrested 1,691 mail fraud offenders, convicted 1,477 such offenders, and initiated 642 civil or administrative actions in fiscal year 2001;

Whereas mail fraud investigations by the Postal Inspection Service in fiscal year 2001 resulted in over \$1,200,000,000 in court-ordered and voluntary restitution payments;

Whereas the Postal Inspection Service, in an effort to curb cross-border fraud, is involved in 3 major fraud task forces with law enforcement officials in Canada, namely, Project Colt in Montreal, The Strategic Partnership in Toronto, and Project Emptor in Vancouver;

Whereas consumer awareness is the best protection from fraudulent schemes; and

Whereas it is vital to increase public awareness of the enormous impact that fraud has on senior citizens in the United States, and to educate the public, senior citizens, their families, and their caregivers about the signs of fraudulent activities and how to report suspected fraudulent activities to the appropriate authorities: Now, therefore, be it Resolved, That the Senate—

(1) designates the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities and programs to—

(A) prevent the purveyors of fraud from victimizing senior citizens in the United States; and

(B) educate and inform the public, senior citizens, their families, and their caregivers about fraud perpetrated through mail, telemarketing, and the Internet.

Mr. LEVIN. Mr. President, I rise today to submit a resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week." This legislation will bring increased awareness to mail, Internet and telemarketing schemes that frequently target elderly Americans. These schemes rob America's seniors not only of their hard-earned savings, but also of their self respect and dignity. Recognizing that increased awareness, especially on the part of seniors, their families and caregivers, is the best defense, this resolution highlights the efforts being made to protect our nation's elderly.

Last June, the Permanent Subcommittee on Investigations held two days of hearings that focused on the

growing problem of Internet, mail and telemarketing fraud. The Subcommittee found that in this age of international communications, foreign countries have unfortunately become a major point of origin for lottery, sweepstakes, and advance-fee-for-loan scams that prey upon Americans through telemarketing. Worse yet, the Subcommittee found that such schemes often specifically target the elderly, who are often the most vulnerable and least able to afford being defrauded.

Last year, alone, the U.S. Postal Inspection Service, USPIS, responded to 66,000 mail fraud complaints, arrested nearly 1700 mail fraud offenders, and convicted nearly 1500 such offenders. Moreover, mail fraud investigations resulted in over \$1.2 billion in court-ordered restitution and voluntary restitution payments.

The USPIS has joined with the Senior Action Coalition, a grassroots multi-agency organization, to develop a national multi-media fraud prevention campaign. The campaign will include public service announcements as well as newspaper advertisements, mailing inserts and poster displays. Designating National Fraud Against Senior Citizen Awareness Week will highlight these efforts and help reach a wide segment of the elderly population and those who care for them.

I would like to thank Senator SUSAN COLLINS for cosponsoring this legislation as well as all of the other original cosponsors. I hope the rest of my colleagues will consider cosponsoring this resolution and that we can enact it well before the August recess so we can commemorate the week for the first time this year.

Ms. COLLINS. Mr. President, I join Senator LEVIN in submitting a resolution that will designate the week of August 25, 2002, as National Fraud Against Senior Citizens Awareness Week. This designation of this week will increase public awareness of mail, Internet and telemarketing schemes that target elderly Americans. It is through increased awareness on the part of seniors, their families, and their caregivers that such schemes, which rob seniors not only of their hard-earned savings but of their dignity and self respect, can best be prevented.

This kind of fraud, unfortunately, is pervasive. Last year alone, the U.S. Postal Inspection Service responded to 66,000 mail fraud complaints, arrested nearly 1,700 mail fraud offenders, and secured nearly 1,500 convictions.

The elderly are often especially vulnerable, and they are frequently among the least able to afford being defrauded. The AARP, the National Association of Attorneys General, and the Federal Trade Commission have estimated that 85 percent of the victims of telemarketing fraud are age 65 or older.

During hearings of the Permanent Subcommittee on Investigations that I chaired last June on mail, Internet and telemarketing fraud, several elderly witnesses testified about how they had been defrauded of thousands of dollars and the resulting hardships caused by the loss of their life savings.

Mrs. Ann Hersom of Acton, for example, testified that her 80-year-old husband, formerly a successful businessman, had fallen prey to devious telemarketers and clever mail solicitations. She estimated that he lost \$20,000 to these schemes, and described how devastating these losses had been to their family.

The telemarketing fraud industry is a highly mobile, sophisticated racket that very often involves "boiler rooms" in which hundreds of people make high pressure calls, sometimes 16 hours a day, seven days a week. These fraudulent telemarketers often gear their pitches to elderly citizens living alone and fearful of not having sufficient funds for their remaining years. In fact, it appears that some unscrupulous telemarketers may select their elderly victims by using lists to target those who have recently placed a spouse in a nursing home. Thus, the friendship and compassion these telemarketers appear to offer come when the elderly are particularly vulnerable to such enticements.

Foreign countries have unfortunately become a source of entry for lottery, sweepstakes and advance-fee-for-loan scams that prey upon Americans through direct mail and telemarketing. According to Federal Trade Commission figures, U.S. consumers filed nearly 13,000 complaints against foreign companies during calendar year 2001. Similarly, the dollar value of losses reported by consumers against these companies is nearly \$25 million. In the first quarter of 2002, U.S. consumers have filed nearly 7,000 complaints against foreign companies.

How do we fight such fraud? The first line of defense against mail, Internet and telemarketing fraud is to promote public awareness of the dangers of such crimes, the types of schemes in which criminals are likely to engage, and what consumers can do to report fraudulent overtures and help law enforcement officials catch up with the con artists.

National Fraud Against Senior Citizens Week is designed to do just that. During the week of August 25, 2002, the U.S. Postal Inspection Service, together with the Senior Action Coalition, a grassroots multi-agency organization based in Pittsburgh, will launch a national multi-media fraud prevention campaign. The campaign will be kicked off with events in Washington, DC, Maine, and elsewhere.

The campaign will include radio and television public service announcements by national spokesperson Betty White. On Sunday, August 25, announcements in newspapers will run in the 13 states that recorded the most

complaints of fraud by seniors, including Maine. Poster displays highlighting the problem and what seniors and their caregivers can do to protect themselves and report fraud will be displayed in post office lobbies and other public areas, and mailers are planned to be sent to seniors. Designating National Fraud Against Senior Citizens Awareness Week will help reach a wide segment of America's elderly and those who care for them with the time-honored advice of: "If it sounds too good to be true, it probably is too good to be true."

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3580. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 3581. Ms. LANDRIEU (for herself, Mr. BREAUX, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3582. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3583. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, and Mr. DURBIN) proposed an amendment to amendment SA 3570 proposed by Mr. REID to the bill (H.R. 4775) supra.

SA 3584. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3585. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3586. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3587. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3588. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3589. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3590. Mr. HOLLINGS (for himself, Mr. BREAUX, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3591. Mr. BIDEN (for himself, Mr. CARPER, Mr. TORRICELLI, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3592. Mr. BAYH (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3593. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3594. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3595. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3596. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3597. Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3598. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3599. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3600. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3601. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3602. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3603. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3604. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3605. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3606. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3607. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3608. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODD, Mr. REID, Mrs. MURRAY, Mr. DURBIN, and Mr. REED) proposed an amendment to the bill H.R. 4775, supra.

SA 3609. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3610. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3611. Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3612. Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. HUTCHINSON, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

tended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3732. Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KERRY, Mr. KENNEDY, Mrs. BOXER, Mr. SARBANES, Mrs. FEINSTEIN, Ms. MIKULSKI, Mrs. CLINTON, Mr. DODD, Mr. LIEBERMAN, Mr.



TORRICELLI, Mr. LEVIN, Mr. SCHUMER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3733. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3734. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3736. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3737. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3738. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3739. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3740. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3741. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3742. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3743. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended

to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3744. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3745. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3746. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3747. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3748. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3749. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3750. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3751. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3752. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3753. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3754. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3755. Mr. HUTCHINSON submitted an amendment intended to be proposed by him

to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3757. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3758. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3759. Mr. HATCH (for himself, Mr. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3760. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3761. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3762. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3763. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3764. Mr. DASCHLE (for himself and Mr. CONRAD) proposed an amendment to the bill H.R. 4775, supra.

SA 3765. Mr. SANTORUM proposed an amendment to amendment SA 3764 proposed by Mr. DASCHLE (for himself and Mr. CONRAD) to the bill (H.R. 4775) supra.

SA 3766. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4755, to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building"; which was ordered to lie on the table.

## NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

### ORDERS FOR THURSDAY, JUNE 6, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 6; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; and there be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m. the Senate resume consideration of the Supplemental Appropriations Act, with 30 minutes of

debate equally divided between the chairman and ranking member of the Appropriations Committee, or their designees, prior to the vote on cloture on the act; further, that Senators have until 10:30 a.m. to file second-degree amendments to the Supplemental Appropriations Act, and that the live quorum with respect to the cloture motion filed earlier today be waived.

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

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Thursday, June 6, 2002, at 9:30 a.m.

### NOMINATIONS

Executive nominations received by the Senate June 5, 2002:

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

CAROLYN W. MERRITT, OF ILLINOIS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE PAUL L. HILL, JR.

CAROLYN W. MERRITT, OF ILLINOIS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE PAUL L. HILL, JR.

#### DEPARTMENT OF STATE

JAMES IRVIN GADSDEN, OF MARYLAND, 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 ICELAND.

JOHN RANDLE HAMILTON, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

MICHAEL KLOSSON, OF MARYLAND, 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 CYPRUS.

LARRY LEON PALMER, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

RANDOLPH BELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES.

#### ASIAN DEVELOPMENT BANK

PAUL WILLIAM SPELTZ, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE N. CINNAMON DORNSIFE, RESIGNED.

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3039:

#### *To be major general*

BRIG. GEN. JOSEPH G. WEBB JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES MILITARY ACADEMY, UNDER TITLE 10, U.S.C., SECTION 4333(B):

#### *To be lieutenant colonel*

MICHAEL J. MEESE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

STEVEN A. BEYER, 0000  
MATTHEW L. MURPHY, 0000  
JASON K. PSALTIDES, 0000  
JAMES F. ROTH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

JAY A. JUPITER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### *To be major*

ANDREW D. MAGNET, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

BERNARD COLEMAN, 0000  
LARRY D. FOSTER, 0000  
CHARLES E. JACKSON, 0000  
EDELTRAUD K. LAMAR, 0000  
HARRY E. MEADE, 0000  
ROY I. NOMEY JR., 0000  
JERRY D. PARKER, 0000  
JOSEPH G. SCHMITZ, 0000  
MICHAEL A. STONE, 0000

#### *In the Navy*

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

BARNEY R. BARENDSE, 0000  
CHRISTINE BOLTZ, 0000  
DENISE M. BOREN, 0000  
PATRICIA H. CRADDICK, 0000  
SAMUEL E. DIXON, 0000  
MARY K. JACKSON, 0000  
DENNIS L. JEPSEN, 0000  
JAMES E. KOHL, 0000  
REBECCA J. MCCORMICKBOYLE, 0000  
DENISE S. MCDOWELL, 0000  
KAREN T. MCKINSEY, 0000  
JOSEPH F. MURRAY, 0000  
HELEN V. PEARLMAN, 0000  
FAYE M. PYLES, 0000  
MARIE S. SENZIG, 0000  
NANCY A. SIMMONS, 0000  
KATHERINE A. SURMAN, 0000  
SHEILA M. WEIBERT, 0000  
KRISTIANE M. WILEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

MICHAEL J. BOOCK, 0000  
MARTIN J. EVANS, 0000  
JONATHAN E. FINK, 0000  
ERIC E. GEISER, 0000  
ALAN G. KAUFMAN, 0000  
MARK D. LAWTON, 0000  
FREDERICK D. MITCHELL, 0000  
MOIRA D. MODZELEWSKI, 0000

DANIEL E. OTOOLE, 0000  
RAUL A. F. PEDROZO, 0000  
MICHAEL L. QUINN, 0000  
MICHAEL A. WATERS, 0000  
ALEXANDER W. WHITTAKER IV, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

STEPHEN T. AHLERS, 0000  
WILLIAM K. ALEXANDER, 0000  
JOHN K. BAIRD, 0000  
MARK F. BERNIER, 0000  
MARK E. BROUKER, 0000  
RODERICK L. CLAYTON, 0000  
LEE L. CORNFORTH, 0000  
MU YING H. DOW, 0000  
ANDREW T. ENGLE, 0000  
CARROLL D. FORCINO, 0000  
SCOTT E. FOSTER, 0000  
RUFUS E. GODWIN, 0000  
CELIA H. HORTON, 0000  
GRAHAM D. INNINS, 0000  
PATRICIA W. IRELAND, 0000  
DAVID B. MILLER, 0000  
DONNA M. MURDOCH, 0000  
PAUL R. SCHRATZ JR., 0000  
RICHARD F. STOLTZ, 0000  
KERRY R. THOMPSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

DANIEL C. ALDER, 0000  
CHARLES F. BAXTER JR., 0000  
MONTE L. BIBLE, 0000  
DAVID A. BRADSHAW, 0000  
HARPREET S. BRAR, 0000  
ANTHONY J. CAMEROTA, 0000  
FRANK J. CARLSON, 0000  
RONALD F. CENTNER, 0000  
FRANK A. CHAPMAN, 0000  
SUSAN L. CHITTUM, 0000  
LAUREL B. S. CLARK, 0000  
BRUCE COHEN, 0000  
WALTER J. COYLE, 0000  
CRAIG L. CUPP, 0000  
MICHAEL J. CURRAN, 0000  
DAVID L. DAUGHERTY, 0000  
MURRAY S. DONOVAN, 0000  
TERRENCE X. DWYER, 0000  
RICHARD C. EDWARDS, 0000  
DANIEL R. ELIZONDO, 0000  
SCOTT D. FLINN, 0000  
MICHAEL J. FRANCIS, 0000  
KEVIN L. GALLAGHER, 0000  
SCOTT J. GRAHAM, 0000  
THOMAS M. GUDEWICZ, 0000  
TERRY A. HARRISON, 0000  
ROBERT E. HERSH, 0000  
BRIANA M. HILL, 0000  
MARK P. HONIG, 0000  
PETER A. JOHNSTONE, 0000  
KELLY S. KEEFE, 0000  
RANDALL KELLEY, 0000  
KERRY J. KING, 0000  
KENNETH D. KLIONS, 0000  
JOHN J. LEE, 0000  
PETER E. LINZ, 0000  
ERIC R. LOVELL, 0000  
PAUL A. LUCHA, 0000  
RANDALL C. MAPES, 0000  
MARTIN MCCAFFREY, 0000  
MICHAEL C. MCCARTHY, 0000  
SCOTT K. MCCLATCHEY, 0000  
ROBERT J. MENDEZ, 0000  
BRUCE C. MENELEY, 0000  
BRIAN P. MONAHAN, 0000  
VERNON D. MORGAN, 0000  
MICHAEL MULDOON, 0000  
CHRISTOPHER L. OLCH, 0000  
JOHN C. OLSEN, 0000  
JOHN S. PARRISH, 0000  
JEFFERY W. PAULSON, 0000  
PAUL PEARIGEN, 0000  
PABLO D. PIZARRO, 0000  
CRAIG C. POWELL, 0000  
TERRY L. PUCKETT, 0000  
RAYMOND M. PUMAREJO, 0000  
EDWARD V. ROSS JR., 0000  
JOSEPH E. SARACHENE, 0000  
ANN R. SECORD, 0000  
WYATT S. SMITH, 0000  
ROBERT J. SUCSY, 0000  
THOMAS K. TANDY III, 0000  
GARY A. TANNER, 0000  
STEVEN M. TEMERLIN, 0000  
JON K. THIRINGER, 0000  
GEORGE G. ULRICH, 0000  
AMY G. WANDEL, 0000  
LYNN E. WELLING, 0000  
JERRY W. WHITE, 0000  
HENRY C. WONG, 0000  
EDWARD A. WOODS, 0000  
ERIC J. ZINTZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

BARNEY R. BARENDSE, 0000  
CHRISTINE BOLTZ, 0000  
DENISE M. BOREN, 0000  
PATRICIA H. CRADDICK, 0000  
SAMUEL E. DIXON, 0000  
MARY K. JACKSON, 0000  
DENNIS L. JEPSEN, 0000  
JAMES E. KOHL, 0000  
REBECCA J. MCCORMICKBOYLE, 0000  
DENISE S. MCDOWELL, 0000  
KAREN T. MCKINSEY, 0000  
JOSEPH F. MURRAY, 0000  
HELEN V. PEARLMAN, 0000  
FAYE M. PYLES, 0000  
MARIE S. SENZIG, 0000  
NANCY A. SIMMONS, 0000  
KATHERINE A. SURMAN, 0000  
SHEILA M. WEIBERT, 0000  
KRISTIANE M. WILEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

ALAN T. BAKER, 0000  
HAROLD W. BURRELL, 0000

WILLIAM F. CUDDY JR., 0000  
JOHN S. EVANS, 0000  
JAMES R. FISHER JR., 0000  
BRIAN F. KELLY, 0000  
RONNIE C. KING, 0000  
DAVID G. KLOAK, 0000  
PETER W. MCGEOERY, 0000  
DALE W. PARKER, 0000  
MARK L. TIDD, 0000  
DOUGLAS J. WAITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

MICHAEL L. BLOUNT, 0000  
DAVID M. BOONE, 0000  
DAVID M. BURNES, 0000  
FRANCIS P. CASTALDO, 0000  
MASON CRUM, 0000  
DAVID L. FLEISCH, 0000  
PAUL T. FULIGNI, 0000  
KATHERINE L. GREGORY, 0000  
APRIL F. HEINZE, 0000  
HUGH R. HEMSTREET, 0000  
KEVIN A. LINDSEY, 0000  
BARRY K. LOVELESS, 0000  
GERALD R. MANLEY, 0000  
ROGER M. NATSUHARA, 0000  
MICHAEL J. OCONNOR, 0000  
ERIC S. ODDERSTOL, 0000  
ROBERT P. WALDEN, 0000

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*

JAMES T. CONEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

JOSEPH D. CALDERONE, 0000  
JOHN M. HACKWORTH, 0000  
JOHN D. HENDERSON, 0000  
MICHAEL J. INOUE, 0000  
ARNOLD C. JOHNSON, 0000  
RONALD M. KLOSE, 0000  
RICHARD A. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

TIMOTHY G. ALBERT, 0000  
DAVID E. BEARDMORE, 0000  
JAMES E. CAMPBELL II, 0000  
FRANKLIN B. CARVER, 0000  
NANCY J. CATHEY, 0000  
JOHNNY L. DODD, 0000  
JANICE M. STACYWASHINGTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

WARREN WOODWARD RICE, 0000  
MARK J. SAKOWSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

BARBARA S. BLACK, 0000  
PAUL T. BROERE, 0000  
THOMAS A. CORWIN, 0000  
ROBERT A. GANDOLA, 0000  
DANIEL J. NEUMANN, 0000  
DAVID A. OBRIEN, 0000  
JOHN H. WATTS, 0000  
DOUGLAS D. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

MICHAEL R. BONNETTE, 0000  
DAVID C. PHILLIPS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be captain*

JOSE R. ALMAGUER, 0000  
DEAN A. BEATTY, 0000  
GEORGE J. BINGHAM, 0000  
DAVID A. BITONTI, 0000  
MICHAEL R. BRENYO, 0000  
NATHANIEL C. BRYANT, 0000  
THOMAS A. CADE, 0000  
DANIEL G. EHRICH, 0000  
BYRON C. ESCOE, 0000  
PAUL W. GERHARDT, 0000  
JAMES H. GHERARDI JR., 0000  
LYNDA D. GROSSMAN, 0000  
GARY T. HAMMOND, 0000  
RICHARD A. JORALMON, 0000  
JAMES V. KEENAN, 0000

*June 5, 2002*

RANDALL W KULNIS, 0000  
JOHN P LABANC, 0000  
JOHN J LAUTEN JR., 0000  
THOMAS M LEIENDECKER, 0000  
WILLIAM J LEONARD, 0000  
CLARA Y LLODRA, 0000  
JAMES C MARTIN, 0000  
JOHN L MCGINLEY, 0000  
ALICE P MORAN, 0000  
BLAINE E MOWREY, 0000  
JOHN H MUMFORD, 0000  
TOM R NEIHART, 0000  
LEE E NIEMEYER, 0000  
STEPHEN M PARKER, 0000  
JOHN P PIERCE JR., 0000

CONGRESSIONAL RECORD — SENATE

**S5061**

MATTHEW W POMMER JR., 0000  
PAUL D REAGAN, 0000  
DAVID N RICKEY, 0000  
DEBRA M RYKEN, 0000  
TIMOTHY J SHEA, 0000  
THOMAS R SPRADLIN, 0000  
LOREN J STEENSON, 0000  
KENNETH M STINCHFIELD, 0000

FOREIGN SERVICE NOMINATIONS BEGINNING STEPHAN WASYLKO AND ENDING CHARLES KESTENBAUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING SUZANNE K. HALE AND ENDING MAURICE W. HOUSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING GARY V. KINNEY AND ENDING JAMES E. STEPHENSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

CONFIRMATIONS

Executive nominations confirmed by  
the Senate June 5, 2002: