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Senate

The Senate met at 2:30 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Liberating Lord of all, we begin the work of this week remembering what took place 140 years ago yesterday on September 22, 1862. President Abraham Lincoln, a humble instrument in Your mighty hands, issued the life changing, values-reorienting, culture-reforming Emancipation Proclamation. The right to life, freedom, and citizenship was assured for all persons regardless of race, origin, or circumstance. This courageous position of valuing all human life by freeing the slaves was the direct result of biblical truth which could no longer be denied.

Now, 140 years later, we ask for Your strength to continue to overcome any vestiges or prejudice in our hearts. We still need Your emancipation from customs that constrict, practices that patronize, superiority that scrutinizes, and attitudes that anger. Keep us in the battle for equality in education, job opportunities, and social advancement for all Americans. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROCKEFELLER 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.

Mr. REID. I thank the Chair.

SCHEDULE

Mr. REID. The Chair will announce shortly that there will be a period for morning business until 3:30 p.m. today, with the first half under the control of the Republican leader. I see Senator THOMAS is here to lead the Senate in discussion this afternoon. The second half of the time is under the control of the majority leader or his designee.

At 3:30 p.m., the Senate will resume consideration of the Interior Appropriations Act, with 60 minutes of debate in relation to the Dodd amendment regarding recognition of Indian tribes. Following this debate, there will be 60 minutes of debate in relation to cloture on the Byrd amendment regarding the fire service and agricultural disaster funding.

At 5:30 p.m., there will be two rollcall votes, first in relation to the Dodd amendment and second on cloture on the Byrd firefighting repayment amendment.

Following these votes, the Senate will resume consideration of the Homeland Security Act under the management of Senator LIEBERMAN and Senator THOMPSON.

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 until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time will be under the control of the Republican leader or his designee.

The distinguished Senator from Wyoming.

CHOOSING PRIORITIES

Mr. THOMAS. I thank the Chair.

Mr. President, I wish to take a few minutes to talk about where the Senate is and where the Senate is going. Obviously, we are coming to the end of the session. I presume the maximum we will be here is 2 weeks after this week, a total of 3 weeks, unless circumstances change.

We have, of course, as usual, a lot of legislation that could be done. There are a lot of issues about which we have talked this year that need to be finalized. All those issues rise to the top at the end of a session.

More importantly, we are faced with the fact that there is limited time, and the process takes a good deal of time. Therefore, it is necessary, it seems to me, for us to choose priorities and decide what we must complete before we go into recess for the election and after and, of course, do whatever we can but that those need to be our priorities.

I am one who believes strongly in the fact that one has to make priorities, in any group, although this group is not an easy one to manage. Decisions need to be made with respect to what we need to do and, frankly, finding some limits on how long we can spend on different issues.

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

We only have time for a relatively few items to be completed, in my opinion. Some of them are more fairly obvious and some are quite important. Obviously, we have to complete homeland security. We have been on that bill now, I believe, 3 weeks. Hopefully, we will finish it very soon. Because of the time, it needs to be completed soon.

Quite frankly, we find ourselves in a delay, a stalling arrangement here that is not where we need to be. Are there differences of views? Of course, and they need to be resolved, but that is what the system is about, and we need to go on.

We are going to be faced very soon with a resolution with respect to Iraq. In fact, we are working on it now. It is an issue that needs to be addressed and addressed quickly. Again, it will take a certain amount of time, but we do need to address it, and we need to address it on the basis that it is a priority with which we need to deal, however one feels about it.

Defense appropriations: We are going to find ourselves not having dealt with more than half the appropriations bills by the time we go into recess, but many of them can probably be tided over for several months with a continuing resolution, funding the agencies at the level they have been in the past year. It is not an unusual occurrence. But Defense appropriations, in this instance, is quite different because of the circumstances relating to terrorism.

Defense appropriations need to be completed. More resources obviously need to be available to our military so when we ask our military to do whatever we ask them to do, they have the best support we can possibly give to them.

The CR needs to be dealt with so we do not have the Government being stopped because of no financing. Remember, we did that a number of years ago. We cannot let that happen, of course.

There are lots of issues people will talk about that indeed are important, and if we had our way, they could all be done. Unfortunately, a lot of those issues have not been brought out of committee and to the floor so we can move them forward. I believe 8 out of 13 appropriations bills have not been dealt with yet.

We are going to soon have to deal with a payback for Medicare. I find at home—and I am sure everyone else does, too—more physicians are not treating Medicare patients because the reimbursement has gone down, and it is scheduled to go down more the first of next month. Frankly, this would be a relatively easy issue to fix. We know what the percentages are, and we could do something about that.

An issue that I have talked a great deal about and that is more difficult—and I do not think we will accomplish but many of us would like to—is pharmaceuticals. We need to find a way to make pharmaceuticals more available to the elderly particularly. We have worked on that a great deal and have not come to a conclusion and will not, in my opinion, by the time this session is over.

We have spent a good deal of time on energy. Certainly, energy is an issue that affects not only the economy but it affects terrorism and the upheaval in the Middle East where we have let ourselves become 60 percent dependent on imported energy. We need to change that. We need to have a policy. We have not had a policy for some time. We are now in the process of developing that policy in a conference committee, and we need to get that finished.

We talked about drought relief. It is on the table. We can do that.

Unfortunately, we will probably not be able to deal with terrorism insurance, which is too bad. It is a good issue because it has to do with the economy. It has to do with the resistance to constructing buildings, for example, when you cannot have insurance for them.

There are lots of other issues, such as tort reform and health care costs. I think we have to move on those issues. We have to move ahead with the budget resolution, which we have not had for the first time in a number of years.

One may say, what is the difference? The difference is not only does it help us deal with what we are going to spend, but it has an operational aspect to it that says if you spend over what you have agreed to for the budget, there have to be 60 votes to pass it, which is the kind of resistance we need when we are spending too much money.

We have already talked about prescription drugs. That is an issue we really need to deal with. There are a number of ideas, and we need to consider them.

The permanent tax cut, of course, again, has to do with stimulating the economy, and we have talked about that a great deal as something we need to do.

There are also the issues of homeland security and welfare reform. Welfare reform is pretty much ready to go in the committee. We are going to have to have a temporary passage to keep that in place because it expires shortly. These are the things we need to deal with, as well as the appropriations bills.

I urge that we set some priorities, decide what it is we are going to do over this time, and set some time goals so we can work at it. Then I think we really have to enforce it.

Today, for example, it will be 5 o'clock on a Monday before we get around to voting, and I suspect we will be out again next Friday. The time has come when we really need to take the time that is available to do what we have to do. That is our challenge, and certainly it is not easy.

It is difficult because we all have different ideas about what issues are most important. We have some compelling issues that clearly need to be moved on because of the shortage of time. I urge we move that way and complete the work that is necessary for it to be done before we leave in October.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

THINNING THE FORESTS

Mr. KYL. Mr. President, in the time I have this afternoon, I want to address three subjects. The first relates to an issue we are going to be taking up tonight, which is the cloture motion on an amendment relating to the Interior appropriations bill. The Domenici-Craig amendment dealing with forest health will go down if cloture is invoked. Therefore, I urge my colleagues not to vote to invoke cloture.

I also acknowledge that the efforts to try to reach a compromise on how to protect our forests from disease, infestation, poor health, and fire have not borne fruit, and it is unlikely there will be an agreement reached in a bipartisan way sufficient to allow us to pass something that will provide relief to those, particularly in the West, who have forests that need this kind of treatment. That being the case, we are going to have to find another way to deal with the issue.

The administration is committed to forest health. The President has laid out a plan, and I think administratively the Departments of the Interior and Agriculture will do the very best they can to work within the existing law to manage our forests to bring them back to health and to prevent fires.

The reality is that this failure to reach an agreement will have disastrous consequences, not just in terms of fire but the health of our forests, particularly in the West, and that is not a situation we should be very proud of in this body.

We tried very hard, particularly those of us who represent the Western States, to educate some of our colleagues about what we mean by forest management. There is not much debate in the scientific community about what ought to be done to our forests, maybe 75 million acres of trees. They need to be treated, and by that we mean there needs to be a process whereby the dead, dying, and diseased timber, as well as the very small diameter timber, is removed so the forest can sustain the larger trees we want to preserve and return forests to the healthy conditions they were in maybe about 100 years ago. This means opening up the canopies and providing more opportunity for grass. The trees that would be thinned would not only remove a source of competition to the larger trees in terms of soaking up the moisture and nutrients from the soil, but also providing fuel for forest fires which, instead of just creeping along the ground as they did 100 years or so ago, are now using these small trees to basically climb a ladder up to the crowns of the big trees.

What we see on television, when we see the pictures of these enormous forest fires, is the canopies of the big trees literally superheating and then exploding into flame, and this is what spreads the fire for miles and miles.

If the dead and dying fuel on the forest floor is removed, the down fuel as well as those small-diameter trees that are literally choking the forests to death right now, it is not only opened up for the trees and other flora and fauna that we want to grow properly but it also removes a significant fire danger. That is what the scientific community understands needs to be done.

The problem is that there are radical environmentalists who do not want to see this done. Ironically, our goal is the same: To protect those beautiful big trees and to create a healthy environment for all of the other flora and fauna. But they are so afraid that a timber industry will be either preserved or regenerated, and that that timber industry will soon set its sights on cutting the big trees as well, that they are really willing to cut off their nose to spite their face; that is to say, to risk the health of the entire forest in order that a timber industry is not encouraged to take hold.

In my State of Arizona, there is not any more timber industry, so we are not interested in bringing an industry back. It is gone. There are a couple of small mills that can take small-diameter timber and make 2 by 4's and fiberboard. The White Mountain Apache Indian Tribe has two small mills that can handle larger diameter timber which they cut on their reservation.

But this is not about creating a timber industry in Arizona. It is not about logging. We are not going to have logging as we used to know it. It is about companies being permitted to do the Government's work of cleaning out the forests and making a little bit of profit. They are not going to do it for free. We do not have enough money in the budget to pay the cost of doing that. They have to be willing to do it for the small amount of money they can make on the products they are now permitted to sell.

That is what this debate has been all about, and I am very discouraged that the radical environmental movement has such a stranglehold on some politicians that even though they will privately tell us they understand the scientists are right, that we do need to go in and manage our forests, they are not willing to confront these people in an open forum. It has been an interesting one-sided debate we have had in the Senate. No one has defended the other position. The reason is because it is indefensible. It boils down to a political issue. That is too bad for the forests.

I understand what happens when we are not able to reach agreement. We are not going to be able to get 60 votes to carry the day. As a result, we have to find another way to do this. Therefore, depending upon what the assistant majority leader and others decide to do at the end of the day, that issue may well be behind us as of tonight as something we will deal with in the Senate. That is too bad. We should have been able to deal with that.

I add a postscript before I turn to the next subject. Some on my side of the aisle have criticized the majority leader because he was able to secure in an appropriations bill special relief for his home State of South Dakota and the Black Hills by doing exactly what we are talking about, thinning those forests. He did that by, in effect, waiving all environmental considerations. In other words, the legislation provided the sufficiency for environmental achievement and nothing further was required to clean up these forests.

There was criticism. I suppose one could criticize the use of the process in the way that he did but frankly, I cannot criticize what he was attempting to achieve and what will be achieved as a result of his actions. The Black Hills are some of my favorite forests in this country. I used to vacation there as a young boy. I love the Black Hills. I am glad the majority leader saw fit to save the Black Hills. I wish we could apply something close to that same management technique for the rest of the country's forests. I find it ironic people would permit it to be done in this one area, which I support, but nowhere else.

I hope we can find a way to address this in the future, put the politics behind us, and get back to a scientific resolution of the issue.

IRAQ

Mr. KYL. Mr. President, the second subject I address is a resolution the White House has sent Congress for consideration of Presidential authority to deal with the problem of Iraq. There have been questions raised this weekend about the language of the resolution and the need, in some people's minds, to define it and provide greater definition.

My own view is the President and his administration did a very good job at crafting a resolution which will give the President the authority he needs to do the things we understand have to be done. I am a little worried about trying to be too cute in drafting language that will constrain the President in a variety of ways, not because we do not want to know what the President has in mind, but because we do not want to come back to the Congress every time the President needs some additional component of authority in fighting this war on terror.

The immediate need is to grant the authority to follow up on the resolutions that were violated by Saddam Hussein, and that if the United Nations is not going to take action, and it is not, then for the United States to be able to do that. We will pass that resolution by a fairly wide margin both in the House of Representatives and in the Senate. I am hoping Members of this body will not view it necessary to draft the language in such a way that it puts the interests of the United States behind the authority of the United Nations.

The U.S. Government and those who represent the people of America will act on behalf of the security interests of the American people. That ought to be our first objective, not to try to resurrect the good reputation of the United Nations, not to put the U.S. position in a subservient role to the Security Council of the United Nations, and not to subject our decisionmaking or the President's authority to act to approval first of a body in the United Nations.

I therefore urge my colleagues not to succumb to the temptation of inserting language which would submit first to the United Nations and then the U.S. Congress.

It was my understanding—perhaps I should have asked unanimous consent before I began to speak—that I would be allotted 20 minutes, 10 minutes beyond the usual time.

Mr. REID. We have a limited amount of time. We have Democrats that need to speak.

I am sorry, but I have to object.

Mr. KYL. Might I then have 30 seconds to explain that I had been told that I would have 20 minutes, and I have calibrated my remarks to reflect that? I regret I will not be able to finish these remarks.

Mr. REID. Mr. President, I apologize to the Senator. We on this side have speakers who wish to speak. If the entire allotted time is not used—I think it will be; we have our time allotted—perhaps the Senator wants to wait around to see if Democrats show up when they are supposed to.

The ACTING PRESIDENT pro tempore. The Chair observes that the minority controls 8 minute 16 seconds.

Mr. DOMENICI. I ask that the Senator from New Mexico be allocated the 8 minutes.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE ECONOMY

Mr. DOMENICI. Mr. President, fellow Senators, I will not get a chance today to accomplish what I intend to accomplish. I assure those who are listening they will not have to wait long to get the rest of it because as we get time this week, we will start talking a little bit.

The majority side, led by the majority leader and the chairman of the Budget Committee, last week took to the floor one or two times with lengthy discussions about the American economy, with comments by each of them about who was to blame for the economic shortcomings that exist today.

I start with the economic downturn. Many Members and a few Americans remember the name Joseph Stiglitz. He was chairman of President Clinton's

Council of Economic Advisers. He is quoted in the Atlantic Monthly, October 2002, page 77. He was known as an erudite and academically brilliant economist. He summarized when asked: When did the downturn start?

He said:

The economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier.

In this article he is explaining the American economy, which had been so buoyant for almost 10 years. We spoke of it from both sides of the aisle, with great admiration and fantastic respect for who did what, who did not do what, and why did this American economy grow.

He is suggesting the beginnings of the downward trends, in response to a question:

The economy was slipping into recession even before Bush took office . . .

Not when he sent us a budget; not when he sent us a tax bill; not when he recommended we have tax cuts to perk this economy up; not when he recommended we spend more money to continue perking it up. Before those events occurred, the American economy was slipping into recession.

It is all right by this Senator that we come to the floor and state what we think. It is all right with me if we state them in political tones. It is all right with me if we state them with overtones that are patently political. It is someone's responsibility, when they think that is the case, to at least try to respond.

I will not be able, in the next 5 or 6 minutes, to respond to what probably was more than an hour last week by two or three on the other side, led by their leader, the majority leader, and the chairman of the Budget Committee, and what they had to say when they blamed the President of the United States for almost everything that is going wrong with the economy, in spite of many of them knowing that this is the fact, that this is the salient fact—that it all began long before that. We may be even fortunate that the economy, in its downward pressures, did not get worse. Perhaps it did not get worse because we did some things right under the leadership of the President and with Congress. Although it was difficult, hard work, we did follow most of his suggestions to try to get out from the slippage.

In less than a week we will enter the new fiscal year, the year of 2003. Let me repeat, in less than 1 week we will be entering the new Federal fiscal year, fiscal year 2003. As this new fiscal year approaches without us having enacted even one appropriations bill for next year, I have been struck by some of the statements being made on the floor—principally on that side of the aisle, and principally by leaders of the majority party.

Recently, the majority leader and the chairman of the Senate Budget Committee have taken to the floor to criticize the President's handling of the economy. I would like to be as honest as I can about this, so let's try to be honest as to what this is all about. This is politics, in my humble opinion, at its worst. Unwilling or afraid to face up to their own responsibilities, unable to defend their own record for failing to enact a budget in the Senate for the first time in the history of the Budget Act, they are now trying to confuse the public and somehow blame the President or the House of Representatives—which happens to be Republican by a few votes—for their failure. So now the time has come to play the blame game and to run away from whatever you have done and pin it on somebody else. That is this time of year.

This is important, and I would like the record to be clear. Back in May, the majority leader blamed the lack of a budget on an evenly divided membership in the Senate. Earlier this month, the chairman of the Democratic National Committee, Mr. McAuliffe, appearing on a Sunday morning show—I think it was ''Face The Nation''—said: Don't blame us: . . . we need 60 votes for a budget.

Finally, last week the chairman of the Senate Budget Committee, referring to an amendment that was voted in the Senate on June 20, clearly implying that it was a Senate budget, literally said here on the floor:

. . . we got 59 votes for that proposal on a bipartisan basis. We needed a supermajority, which is 60.

Let me be as clear as I possibly can. We have not voted on a budget resolution in the Senate this year. We have not voted on a budget this year in the Senate. This will be the first time in the Budget Act's nearly 27-year history that the Senate has not adopted a budget blueprint. Say what you want about what it is or what it is not, we have always seen fit to adopt one. As tough as it was, as many hard votes as it took in the hours allotted under law, we always got one. We got one out of the committee when we were practically tied, for all intents and purposes. But no budget resolution has been brought to the floor of the Senate to be debated and voted on this year.

The chairman of the Budget Committee knows this. The majority leader knows this. To even hint that we have considered a budget is an absolute insult to those of us who worked to make this process a functional part of fiscal decisionmaking here in the Senate.

If my time is up, I yield the floor.

The PRESIDING OFFICER (Mr. WYDEN). The Senator from Nevada, the assistant majority leader.

THE ECONOMY

Mr. REID. Mr. President, my friend, the senior Senator from New Mexico, has a chart. He talks about when the downtown started. The fact is, it is here. To try to divert attention from the problems of this country by trying to talk about when this problem started really doesn't do the trick. Presidents are blamed or given credit for what happens during their 4 years of office. That is the way it is, and that is the way it should be. The fact is, during this administration the economy has gone downhill every month the President has been in office.

To talk about when a problem started, we had problems during the 8 years that Clinton was President, but he was able to respond to make sure the country went on an upward path after that. The fact is, President Bush, no matter what he received when he was President, has done nothing to alleviate the problem. He has made it worse.

I would say to my friend from New Mexico, if he read the rest of Stiglitz's article, I find Stiglitz blames much, if not all, of the problems of this economy directly on the President, President Bush's economic policies. We just had Stiglitz appear before the Democratic Senatorial Campaign Committee and he spent all afternoon telling us what was wrong with the Bush economic policies. Joseph Stiglitz has won a Nobel Prize in economics. He is one of the most renowned economists in the world. He places the blame at the foot of the President of the United States, President Bush, for the economy we now have.

There may have been some corporate problems that started many years ago. But, remember, this White House wanted to bring corporate America to the White House—and they did. There is no better example of that than the fact that when the Chairman of the Securities and Exchange Commission was having his confirmation hearings, he said he wanted to bring a kinder more gentle SEC to America. That is what we have had at this White House. They simply have been kinder and gentler. They brought corporate America to the White House. The American people do not want that.

My friend also mentions in passing the United States of Representatives, which is controlled by the Republicans by just a few votes. Those of us who have served in the House of Representatives know the party that controls the House of Representatives controls the agenda over there. That is the way it works. It has always worked that way. One reason we have gotten nothing done in the Congress is because the Republican majority in the House of Representatives decided a long time ago they were not going to have anything happen this year. That is why we have every conference report stuck in a dark hole in the House of Representatives. They won't let us do anything on bankruptcy. They won't let us do anything on terrorism insurance. They won't let us do anything on election reform. They won't let us do anything on the Patients' Bill of Rights. They won't let us do anything on our generic drug bill, and on and on.

Whether it is 1 or 100 vote, it doesn't matter in the House of Representatives. It works like the parliamentary

system. The party in power controls the agenda, and the House leadership has stated publicly that they are going to have nothing happen. They don't want their members to take tough votes, just like on the bankruptcy bill.

For the former chairman of the Budget Committee to come here and blame the problems on the budget—we don't have a budget because they won't let us have a budget—the fact is, the Appropriations Committee, under the leadership of Senator BYRD and Senator STEVENS, made sure that all appropriations bills were under the budget numbers, even though we didn't have budget numbers. The budget numbers are good numbers. They will not let us do the budget bills because of the same reason—the same reason. The House of Representatives has not moved appropriations bills.

You see, the Senate passed out of committee every appropriations bill. It has been done long since. But the House refuses to move on the bills. Therefore, we cannot do them. We are going to have a cloture vote on the Interior bill, which the Presiding Officer has worked on, not for hours, not days, but weeks, trying to come up with a compromise to meet the needs of the American public in the western part of the United States on firefighting but has been unable to work anything else. But that Interior appropriations bill is extremely important. It is not as if there is no money going to firefighting. There is 800 million extra dollars in this Interior bill to fight fires.

But they only want them to be fought—in the minds of the Republicans—the way they want to fight them. Do you know how they want to fight them? Take all environmental standards and go out and start chopping and burning anything in the forest that a lot of lumber companies want.

I say to my friend—he is my friend—the distinguished Senator from New Mexico that this won't sell. To come and say the problem started before President Bush became President is to blame it on somebody else. The President of the United States is stuck with an economic standard in this—his—administration, and for 2 years this economy has been going downhill, downhill, downhill. You can't blame it on September 11. The Afghanistan war caused about 25 percent of the problem. But all economists indicate that the other problem is right at the foot of this administration—whether it is tax policy or their other economic policies—which is responsible for 75 percent of our downturn.

We have all been affected. People in Nevada—in fact, people in every State in the Union—have been affected by the downturn in the economy. Many Nevadans, and people who live in all 50 States, have seen their retirement savings disappear in the wake of corporate crime, accounting abuses, and stock market declines.

The Las Vegas Review-Journal, the largest newspaper in Nevada, which has a circulation of a quarter million—to say it is conservative is a gross understatement; it is really conservative. It really focuses on government a lot. However, as conservative as that newspaper is, they wrote an editorial one day last week—in fact, the day after Senator DASCHLE gave a speech on the floor with the charts that he had—under the headline ''Daschle is right.'' I thought they made a misprint when I picked up that newspaper. But they had not. They believe TOM DASCHLE is right.

This newspaper with a conservative bias, and which seldom has kind words for Democrats or the majority leader, said in this editorial that America needs a new economic direction and President Bush's policies have failed.

The Las Vegas Review-Journal said:

> The economy is showing an anemic 1 percent rate of growth, the majority leader charged. Under the Bush administration the Nation has lost 2 million jobs and $4.5 trillion in stock market value—much of it melting out of individual Americans' retirement acts. Foreclosures are up, and the government is once again spending Social Security surpluses to pay for other programs . . . it would be a mistake to dismiss the statistics he cites. They are real, as are the economic doldrums they describe.

They go on to say:

> President Bush has indeed failed to do all that he could and should have done to put America back on the path to vibrant economic growth, opportunity and prosperity.

That is about as direct as you can get.

It doesn't stop there. Robert Novak—I have great respect for Robert Novak. I consider him a friend. But I have to tell you that he has rarely said anything nice about me, and rarely has anything nice to say about Democrats. He is a very conservative political pundit, and he is a good one. I have appeared on his show on a number of occasions. He is hard, but he is fair. You always know where he is coming from. But rarely does he join with us in criticizing Republicans and what they are doing. But he did yesterday. I think it was yesterday. I read about it in the paper. It may have been Saturday. He said something very similar to what the Las Vegas Review-Journal said. But his column is printed all over America, and in the Washington Post, of course.

In this piece, under the headline ''Avoidance Agenda''—and in other newspapers the same column had a different headline: ''Winning Without a Vision''—in this piece, Novak takes Republicans to task for offering no domestic alternative to the ''kitchen table'' issues which Democrats are discussing and working on: Prescription drugs and other health benefits, corporate accountability, pension protection, Social Security.

According to Novak:

> Midsummer Democratic exuberance has vanished, and Republican anxiety has faded—thanks to Iraq's eclipsing economic issues six weeks before midterm elections. Yet, beneath the surface, thoughtful Republicans ask: What will it mean for the party to sneak by on November 5 without a vision and, indeed, without an agenda?
>
> George W. Bush is committed to being a war President, unwilling to use the bully pulpit to press domestic programs, especially without support from Congress.

He continues:

> The crowding out of corporate corruption by war against Iraq unquestionably has brightened Republican prospects for winning both houses of Congress, saving President Bush from electoral disasters frequently visited on new presidents at midterm. However, apart from the war on terrorism, the Republican Party flinches from standing for much of anything in the 2002 election.
>
> The problem is that Republicans—including Bush himself—do not pursue a domestic alternative.
>
> This is a matter of concern for the future and perhaps even for this election among a variety of wise old heads in the GOP. One early GWB-for-president backer voiced displeasure with Bush's handling of an economy in which corporate profits are low, investor confidence has been shattered and consumer confidence is in jeopardy. ''He does not seem worried enough about the economy, does not express himself forcefully enough.'' The president does not share his father's boredom with domestic affairs, but there is no doubt he sees his destiny as winning the war against terrorism and not as reformer of the tax system.
>
> There are officials inside the administration who signal their concern by suggesting it is necessary to come up with new domestic initiatives.
>
> Bush and the Republican Party actually risk a lot tying themselves to the limited goal of maintaining a House majority. By accepting the caution urged on him by Capitol Hill, the president abdicates a vital responsibility of the president as a party leader. Any new initiatives await passage of an Iraq resolution or perhaps even congressional adjournment, leaving a Republican voice that is muted on everything but Iraq.

I started saying a couple of weeks ago, as others have said, that this country is a big country; we can have a big political agenda. We can focus on Iraq, as we should, but we can focus on other things. The administration is focusing only on Iraq. Let us talk about the other issues. Let us talk about the stumbling, faltering economy, which we must address.

If you were planning on retiring, Mr. President, this year, you would have to wait, on average, 7 years before you could retire. You would have to work an extra 7 years because you have lost that much—mostly in the stock market. People who were going to retire can't retire. If you started out with $100 in savings, you now have about $65 in savings. That is it. You multiply that, and you will see what it does to somebody who is building for retirement.

The Las Vegas Review-Journal has not changed its political philosophy; they have had the same political philosophy for decades. Also, I would say that Robert Novak hasn't changed; he has had the same political philosophy for 30 or 40 years.

The Republicans' proposed solution to economic woes plaguing Nevada and

the entire country are far different from those favored not only by Senate Democrats. I also not only speak for Senate Democrats but I speak for mainstream Nevadans and Americans.

I have no doubt that Republicans will continue to criticize and even mislead readers about our policies, and that is too bad. To come here today and to say the problems of this country are the result of something that started a long time ago is ridiculous. I have no doubt we must continue to address the problems that face this country, and we must continue to address them focusing on more than Iraq. This country has more ability to do that.

I am very disappointed that my friend, the distinguished Senator from New Mexico, would come here and cite Joseph Stiglitz as supporting the policy of this country going back to the last administration when, in fact, if you read anything that Stiglitz writes, he talks about the economy being bad as a result of what happened with this administration's economic policy.

TRIBUTE TO GREG MADDUX

Mr. REID. Mr. President, I rise today to pay tribute to an outstanding Nevadan, Greg Maddux.

Greg Maddux is a baseball player. That is a tremendous understatement. He is one of best pitchers in professional baseball today and considered among the best to ever play the game.

Yesterday Greg won this 15th game of the season for the 15th year in a row, tying a record set by Cy Young.

For those who do not follow baseball or are not aware of the significance of this accomplishment, let me explain that Cy Young was one of baseball's first superstars. He pitched about a hundred years ago, starting in 1890 and finishing his career in 1911. Cy Young set many records that last to this day and will likely never be broken. He became the standard by which all pitchers who followed, even now about a century after him, are judged. In fact, the honor bestowed each year on the best pitcher in each league is known as the Cy Young award.

Greg Maddux became the first player to ever win four consecutive Cy Young awards with his dominant performances in the early to mid 1990s. His latest achievement testifies to his continued excellence, his endurance and consistency and his continued hard work.

Greg was born on April 14, 1966, the youngest of three children born to parents Dave and Linda Maddux. Dave was in the Air Force so the family including Greg's brother Mike and sister Terri moved around a lot but eventually settled in Las Vegas.

At Valley High in Las Vegas, Greg Maddux earned All-State honors in baseball his junior and senior years. He was selected by the Chicago Cubs in the second round of the free agent draft while he was still in high school, and following his graduation in 1984, he joined their minor league system. He made quick progress in the minors, earing a call up to the big leagues in 1986 at age 20, becoming the youngest Cub in the majors since 1967. He won his first start on September 7 of that year with a complete game victory against the Cincinnati Reds, who were his favorite team as a youth. And later that month he won his second game when he beat his brother Mike, himself a successful professional player who pitched for 15 years in the major leagues. In fact, Mike pitched for 10 major league teams over 15 years. But for his brother, Greg, he would be Las Vegas's most famous major league pitcher.

You can imagine how proud the Maddux family must have been to see these 2 brothers competing against each other as they had years earlier when they played whiffle ball games in the backyard, and the satisfaction Gregg took in overcoming his big brother.

Greg started playing catch with his dad when he was just 2 years old and made enough progress that several years later he skipped tee ball and started playing peewee ball against boys much older and bigger than him.

Although he was the smallest and youngest kid on the team, Greg became the starting pitcher and the best player on the team, and his father—who coached the team—already saw signs that Greg was destined to be a star.

The Maddux family had a passion for sports, and the children learned the key to success was effort.

''I think our household was like every other American household,'' says Greg's mother, Linda. ''It was routine. They had school, homework, baseball practice, and chores around the house.''

One of the values that David and Linda Maddux tried to instill in Greg and his two siblings was a ''good work ethic.''

''Each one had his jobs around the house,'' she says, ''and they did them without question.''

That hard work clearly has paid off throughout Greg Maddux's career, helping make him the winningest pitcher of the 1990s.

He is not physically imposing—he stands less than 6 feet tall and weighs perhaps 175 pounds. He doesn't overpower but baffles batters with his pinpoint control and mastery. A maxim normally applied to real estate could also describe the keys to Greg Maddux's successful pitching: location, location, location.

He works efficiently, using economy of pitches. In yesterday's record-setting victory 61 of his 76 pitches were strikes. And last year he averaged only 1 walk per 9 innings.

As different as it is to draw a walk from him Greg is also stingy in giving up runs.

He concluded the 1990s with a 2.54 ERA over the decade, the third lowest ERA for any decade since 1910, behind only Hoyt Wilhelm (2.16) and Sandy Koufax (2.36) in the 1960s. In 1995, he became the first pitcher to log back to back seasons with an ERA under 1.80.

His main pitches include a fastball in the mid-80s, a curve ball, slider and changeup. But whatever he throws, he regards his favorite pitch as strike three.

Teammate John Smoltz, also a Cy Young winning pitcher says of Greg, ''Every pitch has a purpose. Sometimes he knows what he's going to throw two pitches ahead. I swear, he makes it look like guys are swinging foam bats against him.''

And an opposing team's scout remarks, ''Maddux is so good, we all should be wearing tuxedos when he pitches.''

Greg Maddux has been described as a scientist who dissects opposing teams, an artist who paints the corners of home plate and a magician who can perform wonders with a baseball and make a talented batter disappear.

Sports Illustrated hailed him as the ''best pitcher you'll ever see.''

When he takes the mound, he presents a clinic, masterfully working the plate and using his arsenal of pitches. With guile, cunning and a poker face, he outsmarts opponents and keeps them guessing. It has been said that he can throw any pitch anywhere he wants on any count. As a result, batters are seldom able to hit the ball solidly and are often off balance, resulting in a harmless grounder or fly ball.

Not only is Greg Maddux an outstanding pitcher, but an all around baseball player, as he can field, hit and run the bases very well. He holds numerous records for putouts, assists and double plays, and is considered one of the best-fielding pitchers of all time. He has won 12 consecutive Gold Glove Awards for his fielding and is likely on his way to yet another.

As I said he works hard on his batting, normally not something pitchers are known for. In 1999, he hit 2 home runs and averaged .264.

Clearly, Greg Maddux is willing to give his all to help his team win though he manages to keep his cool regardless of the circumstances.

His calm demeanor and humility mask a fierce determination and competitive spirit that have earned him the nickname ''Mad Dog.''

Greg has been one of the major reasons the Atlanta Braves have been able to win their division an unprecedented 12 years in a row and again this year have the best record in the league.

He wears number 31, but since joining the Braves as a free agent in 1993, he has been the number 1 pitcher on a team that includes 2 other Cy Young winners, Smoltz and Glavine.

Yet Greg is a modest man who downplays his achievement.

''I never really thought about it,'' Maddux said of the record he set yesterday. ''It feels good to be healthy enough to get it.'' He praises his teammates for much of his success and cites winning the World Series with the

Braves in 1995, not any individual achievement, as his greatest and proudest moment in sports.

Watching Greg Maddux on the mound, Braves pitching coach Leo Mazzone says he is well aware that he is seeing a future Hall of Famer. For winning the Cy Young, his glove and spikes are already in the Hall, and Greg Maddux certainly will be voted in as soon as he is eligible, five years after he retires.

As much of a success and a role model as Greg Maddux is on the baseball field, he is also a success and role model in life.

He is a devoted family man, married to a wonderful wife Kathy. They have a daughter, Amanda Paige and a son Chase Alan.

Greg can afford to live anywhere. I know that we are happy that he and his family have chosen to live in Las Vegas and to contribute generously to others in the community, whether signing autographs for fans or giving his time and money towards charitable causes.

Greg states that he has no use for the glamorous life which his money could buy and describes himself as ''your average Joe.''

Kathy and Greg lead the Maddux Foundation, which is involved in several charitable activities in Las Vegas and Atlanta. The Foundation supports children's homes, domestic crisis shelters, and boys' and girls' clubs.

''Our foundation is low key,'' Maddux said. ''We've never really solicited anyone outside before.''

''The goal is to give more money to charity. It's about 'How much can we give?' instead of 'How much can we profit?' ''

In recent years, the Madduxes have expanded their philanthropic efforts, and brother Mike also has a foundation that helps children. Greg participates in golf tournaments whose proceeds go to the Southern Nevada chapter of the Candlelighters, which works with families whose children are battling cancer, and Safe Nest, which helps victims of domestic violence.

To my friend, Greg Maddux, a great baseball player and great American I want to thank you for all you have done for Las Vegas and for Nevada, as a role model for all America. You are a breath of fresh air in a troubled world.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

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

IRAQ AND THE ECONOMY

Mr. DURBIN. Mr. President, I spent the weekend in my home State of Illinois, from the southern part of the State, the metro east, St. Clair County, Madison County, and the city of Chicago, going from one place to another, and it is interesting to me that people will stop and ask me about our going to war in Iraq.

I have not found a single person who makes any excuses for Saddam Hussein. I will not. He is a man who certainly distinguished himself—if that is the word—in the history of this world: for his aggression, his militarism, his inhumane treatment of his own people and his neighbors.

He is someone who cannot be trusted but must be watched carefully and closely. He is someone who must be monitored at all times for fear he could go too far in his development of weapons and his development of military strategies as a threat to the world. Everyone concedes this. I certainly concede it.

We found what he was all about when he invaded Kuwait. We have watched him closely ever since. The United Nations put restrictions on what he can do in defense of his own nation, limitations on his own military power. One of those limitations prohibits weapons of mass destruction: chemical weapons, biological weapons, and nuclear weapons.

The United Nations started inspecting for those weapons after the Persian Gulf war. Saddam Hussein threw every obstacle he could find in their path. He discouraged them when he could, and ultimately the inspections were withdrawn 4 or 5 years ago. We still do a flyover with our planes to watch everything that happens in his country, not to mention all the other sources of intelligence. We worry about him, as we should.

Having said all those things, and the fact that almost everyone acknowledges them to be true, it is still interesting, as I go around my State—a State which is fairly diverse in terms of its economy, in terms of its culture, in terms of its politics—there is no ground swell for America to invade Iraq and to displace Saddam Hussein from power.

The idea of a land invasion, for what the President calls a ''regime change'' has not brought the people out cheering, as they cheered after September 11 when we said we were going after Osama bin Laden and al-Qaida. Instead, what I hear from the people I speak to in Illinois is that certainly we have to keep an eye on this man, but why should we do it alone? Shouldn't the United States have standing with it a coalition of countries around the world? Why would we do this by ourselves? Isn't it better to invite other nations to be part of it because there is strength in numbers, more clarity of purpose, a sharing of the burden not only of the war but of controlling Iraq after it is defeated?

I can tell you that Thomas Friedman, the foreign Times correspondent for the New York Times, said it best. He said: Our situation in Iraq, if we go it alone, is much the same as the person who walks into the store and sees a sign which says, ''If you break it, you own it.''

If we displace Saddam Hussein from power in Iraq, then, frankly, as those who displaced him, we will have a burden to bring some stability and security to that country. Is it not better for us, in that circumstance, to have other Western civilized democratic nations standing behind us, not only behind the muzzle of the gun pointed at him but standing in league with us to make sure Iraq is peaceful and safe for a long time?

Let me add one other element that comes up time and again. This is a different world since September 11 of last year. We have to measure our foreign policy against its impact on terrorism. There is not a country in the world which would knowingly attack the United States. We have the best military in the world, the best men and women in uniform, the best technology, but we know we are vulnerable, we are vulnerable to terrorism.

If we make that decision to go it alone in Iraq, to do it by ourselves, and say to the rest of the world, we don't care what the opinion of the United Nations is or any other country is, we will go it alone, would that not invite a backlash from parts of the world that are preaching extremism and fundamentalism? Wouldn't that, unfortunately, sow the seeds of terrorism?

Isn't it far better for us to have a coalition with Arab States, as President Bush's father did in the Persian Gulf, a grand coalition of countries that say Saddam Hussein has to be watched carefully?

When I saw the resolution that President Bush sent us last week, that is not his intension, that is not his design. If you think that trip to the United Nations was an appeal to that body to move forward and do things, it might have been, but, frankly, his resolution he sent to us basically says: Ignore my speech; ignore my visit to the United Nations; ignore the United Nations; give me the authority to do it by myself.

I have no doubt we could win that war, that we could displace Saddam Hussein, but isn't there a better and more cautious and more prudent and more successful strategy we should consider—bringing in the United Nations for real inspections, unconditional inspections, enforced with military force, if they must be, including some troops from the United States, to make sure the inspectors get into the places they need to; and failing that, if Saddam Hussein stops the inspectors, that we issue an ultimatum to him through the United Nations, that if you do not allow unconditional inspections, you can expect there will be a forceful effort by the countries of the world to enforce United Nations resolutions already in place? Isn't that a far better approach than to say, we have a battle plan; we are going to attack; we will send you a note, United Nations, and let you know what happens?

The United Nations should not dictate American policy, but President Bush's father was right. When you can involve a coalition of nations around

the world in your effort to bring peace to a region, you have a far greater chance of success, world acceptance, sharing the burden; and, ultimately, the American people would not stand by themselves but stand in concert with those of like mind and like values.

As I return to Illinois, people tell me over and over again: Senator, when you go back, please go to the floor of the Senate and express our feelings that we do need a coalition of force, not just for the principle and value of it but for the military significance of it, not just so we are not standing alone but so we are validated in the eyes of the world that what we are standing for is not just a narrow interest of the United States but in the best interest of a free and peaceful world.

That is what makes sense. That is what we ought to move forward with.

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

Mr. DURBIN. Yes, I am happy to yield.

Mr. REID. I ask my friend from Illinois, is it true, when you returned to Illinois, people were asking about things other than Iraq?

Mr. DURBIN. Exactly true.

Mr. REID. Are people concerned about the stumbling, staggering, faltering economy?

Mr. DURBIN. I say to the Senator from Nevada, that is where I was headed next.

This chart, which I have brought to the floor, talks about the lost private sector jobs in the last 50 years. Look at what has occurred under President Eisenhower through George W. Bush. Look at the only period that shows red ink, the net loss of jobs; and it turns out to be under President Bush.

The people of Illinois talk about Iraq because it is in the headlines. That is all the media talks about. But when it comes to the issues they worry about, this is what they are concerned about. There are not enough jobs, not enough good-paying jobs.

Unfortunately, under this administration, the economy is not even a major issue. They are ignoring it. I asked last week—and I will renew my request to the President—can you give us 1 hour a week on America's economy, 1 hour to talk about income and job security? That is a valid issue.

Take a look at long-term unemployment. It has more than doubled under President Bush. In January 2001, when he came to office, there were 648,000 under long-term unemployment, people unemployed for half a year. That number has more than doubled in this period of time. The President may rally America to stand behind him, as he should, on the war on terrorism and foreign policy. But he ought to rally America to work, give people opportunities so they can be employed, so they have some opportunity to enjoy the benefits of this country.

We are facing now the weakest economic growth in 50 years. This chart shows economic growth, the average rate of growth over the last 2 years. Under President George W. Bush, it has been 1.0 percent. The next worst President, since Eisenhower, was his father. Then you have to go back to Gerald Ford to find another bad period of time.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized for 10 additional minutes.

Mr. REID. Mr. President, reserving the right to object, I don't see anyone here wishing to speak. It is my understanding morning business has, under the previous order, ended.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The next period of time is for debate on the cloture motion; is that right?

The PRESIDING OFFICER. Under the previous order, the Senate is to resume consideration of H.R. 5093.

Mr. REID. So is it now time to debate the Dodd amendment?

The PRESIDING OFFICER. Yes, to discuss the Dodd amendment.

Mr. REID. I don't see anyone here, so I ask unanimous consent that the Senator from Illinois be recognized for 10 minutes and that the Republicans be given an extra 10 minutes also.

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

Mr. DURBIN. Mr. President, I will yield at least a portion of my time to my friend from North Dakota.

Look at the rate of growth under the Bush Presidency. Is it any wonder the President does not want to talk about the economy?

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. I should have included that this time comes from the debate on the Dodd amendment, that that number be lessened by 20 minutes.

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

Mr. DURBIN. If you have the weakest economic growth in 50 years, there is no reason for you to talk about it. Certainly this Bush White House will not. They won't bring this issue to the American people because they don't have much to tell us.

The news we have seen on the economy is well known. Take a look at what has happened in terms of the market value of those who own stocks, the New York Stock Exchange and Nasdaq, $4.5 trillion of lost stock market wealth between January 2001, when President Bush came to office, and August 2002. That, of course, represents not just a loss in stock market wealth, it is a loss of savings. It is a loss of college savings accounts for kids. It is a loss of pension plans, 401(k)s, and people making new plans with their lives because of the bottom falling out of the stock market.

Of course, last week we saw the Dow Jones crashing even further. The people in the Bush administration do not want to discuss this. They don't want to talk about turning this economy around. They want to talk about rallying troops.

Let's rally the American people to get the economy back on its feet. Let the President give us 1 hour a week talking about what we can do to try to get this economy moving forward again.

This stock market decline is a new record. If you look at the sharpest percentage decline in the Standard & Poor's 500, only Herbert Hoover has a worse record than President George W. Bush. Herbert Hoover in the Great Depression saw the stock market decline by 30 percent. So far, under President George W. Bush we have seen a decline of 21 percent—historic declines. It is no wonder the President does not want to discuss this.

Look as well at what workers are facing who still are on the job. The cost of health insurance has inflated dramatically since the President came to office: family coverage, 16 percent; individual coverage, 27 percent.

The biggest single complaint I have heard from businesses, labor unions, and individuals in the State of Illinois: the cost of health insurance. Senator, what are you going to do about it? The honest answer is that this Congress has done nothing about it, nor has the President proposed anything significant.

When we consider the issues we should be about, national security is No. 1, I agree, but it is not the only issue facing America. We need to discuss issues of pension security and income security and health care security and the future of Social Security. Those are issues American families worry about every single day. We in the Senate should worry about them as well.

I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the Senator from Illinois. He is right. Iraq is not an irrelevant issue. It is a very important issue. The President will find, as we finish all of these discussions, that we will have a pretty unified voice on what we do around the world, but we need to do that through the United Nations, with other partner countries, as part of a coalition. At the end of the day, this country will have led the way towards that result.

It is also the case, when most people sit down around the supper table and talk about their lives, they are talking about subjects that are much different from Iraq. They are discussing issues such as: Do we have a good job; does it pay well; do we have job security; do we send our kids to good schools; do grandpa and grandma have decent health care; do we live in a safe neighborhood? All of those issues exist as well.

There are some who don't want to talk about any of those issues. They

say: These issues somehow are irrelevant.

They are not irrelevant to people out of work, who are concerned about their jobs, concerned about opportunities for themselves and their children, concerned about the ability to buy health care, to pay for health insurance, to afford their prescription medicine. The Senator is absolutely correct. There are a lot of other issues we must resolve.

This Senate is at parade rest; I am guessing because there are some people here who don't want us to do anything on these issues, whether it is health care, the economy, or corporate scandals. And incidentally, I won't have time to talk much about that, but we have not finished on that issue, the issue of corporate scandals. We are talking about hundreds of millions and billions of dollars frittered away by CEOs and others who have run corporations into the ground.

A recent study by the Financial Times says that of the 25 largest bankruptcies in America, prior to bankruptcy 208, executives took $3.3 billion out of the companies prior to running them into the ground. Should we do something about that? We should. That issue isn't over, despite the fact there are some in this Chamber and downtown who resist every step of the way.

We have a lot to do. There is a lot on the agenda, a lot on our plate. Frankly, there are some people who are sitting here with their feet on the brakes. They don't want anything to happen on issues that matter a great deal to the average American family.

I have listened attentively to the presentation. I was going to come over and make a presentation myself. I will do that tomorrow.

The answer is, yes, let's be very concerned about Iraq, about foreign policy, about the war on terrorism. Let's be concerned about it, do it seriously. But let's also understand it is not the only subject. There are other important considerations impacting on the lives of American families with which we need to be dealing.

Mr. DURBIN. I thank the Senator from North Dakota. Average families have to worry about a lot of issues: the health of their children, whether they can make the mortgage payment. If families can face more than one responsibility, our Government certainly can.

It is not enough to say we are just going to focus on the Middle East and what might happen there in the years to come; let's talk about what is happening in the middle west and the East and the South and the North, all across the United States. What are we doing to make sure this economy turns around and gives people a chance?

I spoke to a friend of mine in the plumbers union in Chicago who told me that the cost of prescription drugs for retirees last year went up 300 percent in his one local. He said: I don't know if we can meet our obligation to our seniors that we promised over the years.

As for corporate greed and scandals, the Senator from North Dakota talks about the bankruptcies and the money squandered before bankruptcy. There is a company called Tyco where the CEO, Mr. Kozlowki, has been written up in the Wall Street Journal. Their company didn't go into bankruptcy. It is still in business. But what he did to it was to bleed it of a lot of money, hundreds of millions of dollars in the years leading up to his resignation.

All of these things have discredited American business. They have discredited the good, honest businesspeople who lead our Nation effectively. Frankly, they have put a damper on America's feelings about buying stock. The President needs to address this.

We passed the Sarbanes bill. It was a good bill. I was glad to vote for it. There is more to do: the bankruptcy code, that corporate bankruptcy will take into account when people have squandered the money of corporations so that it comes back into the corporation and away from these corporate executives; that they be charged with crimes when they are guilty. All of these issues need to be taken up. It is an agenda which we should face because it is an agenda the American people face every single day. And unless and until we do that, we are not meeting our obligation.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see the Senator from Colorado here. Under the order entered, it is my understanding that Senators CAMPBELL and INOUYE have equal time with Senator DODD. Is that the understanding?

Mr. CAMPBELL. Yes.

Mr. REID. The order said Senator CAMPBELL had 20 minutes, Senator DODD had 20, and Senator INOUYE had 20. Is that all right with the Senator from Colorado?

Mr. CAMPBELL. That is my understanding.

Mr. REID. When we started this debate, we gave 10 minutes to the Democrats and 10 minutes to the Republicans, leaving 20 minutes on each side. Senator INOUYE said that would be OK with him. If we need more time—

Mr. CAMPBELL. I think 10 will be enough. Perhaps I can ask unanimous consent if it is not; that is, 10 minutes for Senator INOUYE and 10 for me?

Mr. REID. Yes. Why don't we do this. There is no one here to use the Republicans' morning business time. Why don't we give you back, so you have enough time, 25 minutes, and let's make sure Senator DODD has that. So I think that will extend the vote 10 minutes.

Mr. CAMPBELL. That is fine. Has Senator DODD spoken yet?

Mr. REID. No, he has not. The vote would take place at 5:40, and Senator DODD will have 25 minutes and Senators CAMPBELL and INOUYE would have 25 minutes.

Mr. CAMPBELL. I ask the leader, has Senator INOUYE been here yet?

Mr. REID. Yes.

Mr. DODD. This debate would end at 4:30; is that right?

Mr. REID. Yes. But the Republicans are entitled to 10 minutes in morning business. They may use that.

Mr. DODD. Does this require a unanimous consent request?

Mr. REID. Yes, Mr. President. I ask unanimous consent for that.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.

The PRESIDING OFFICER. Under the previous order, there will now be debate on the Dodd amendment No. 4522 until 4:40, equally divided between Senators DODD, INOUYE, and CAMPBELL, or their designees.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, the amendment is offered on behalf of myself and Senator LIEBERMAN. I presume he will be coming to the floor at some point. He has a strong interest in the amendment. I want to be notified by the Chair when I have consumed 10 minutes, so I can leave time for Senator LIEBERMAN.

I begin by thanking my colleagues from Hawaii and Colorado. They were very generous—they are all the time, but particularly last week—in conducting a hearing on the subject matter that is the subject of this amendment. They graciously listened to a series of witnesses from the administration, from Connecticut, mayors from towns in Connecticut, along with other interested parties on the subject matter generally of the recognition process at the Bureau of Indian Affairs. So any discussion of the matter before us

should begin with an expression of gratitude to both of these distinguished Members of the Senate for their willingness to listen to the case we presented.

Again, I express my gratitude to them. They are friends of mine, and this is one of those awkward moments that can happen when good friends find themselves on opposite sides of an issue.

Secondly, I had a good meeting last week with some of the national representatives of the Native American community from Indian country here in the Senate. I did state to them, which I will state here as well, that I take great pride in the relationship I have with my Indian constituents in Connecticut, as I have had around the country—on numerous occasions, whether appearing in Window Rock, AZ, or with the Gila River tribes, and others; with my good friend from Alaska, and others; I take a great deal of pride in my strong support for the Native American community.

What brings us here, and what Senator LIEBERMAN and I are raising, is the concern that we have over the present recognition process. It is a concern that was not generated by my State alone. It was, in fact, generated by a study done by the Government Accounting Office, backed by representatives of the Bureau of Indian Affairs. In 2000, the Assistant Secretary for Indian Affairs stated before the U.S. Congress that the system was terribly broken and in need of repair. I don't know of anyone who disagrees with that.

Now, there are suggestions on how best to repair this. The problem is that while we are waiting for the repairs to occur, recognitions are going forward. In many cases, of course, they will be proven to be absolutely well-deserved, but others may not be. My concern is when that happens, it not only does damage to the communities and others who may be adversely affected by those decisions, but I argue just as strongly that an adverse impact occurs as well on existing tribal nations that have long sought recognition, and suspicions are raised about the validity and credibility of the process. Those who have received recognition I think are devalued as well. There are now pending 222 recognition petitions before the Bureau of Indian Affairs.

I have put up a chart showing where they are in the country. Many States, of course, have none; 37 States have at least 1 pending. In my State there are 12. Understand the size of my State. It is about 110 miles by 50 miles. There are national parks in this country that are larger geographically than my State. Some counties in various States are larger than Connecticut. So when you start talking about 12 petitions pending, you can begin to understand what the impact can be, particularly if there are concerns about the validity of some of the petitions pending. Massachusetts has 6, Rhode Island has 5, California has 53, North Carolina has 16, South Carolina has 11, Michigan has 10, Louisiana has 10, Missouri has 9, and so forth.

My colleagues are more than welcome to look at the list I have. There is a particular poignancy in Connecticut because of the number. Every single petition may be entirely meritorious. I would not, for one, suggest that they should not be approved if, in fact, that is the case. But, if you will, what provoked this particular concern to raise this amendment was a decision reached only a few weeks ago where two petitioning parties in Connecticut recognition were each denied separate recognition. But the Bureau of Indian Affairs, contrary to the recommendation of the technical staff, recognized, in effect, a third tribe, and said both of these tribes are not two separate tribes, but one.

That may be a very legitimate conclusion, but you can understand the concern when all of a sudden, without any hearings, they arrived at a third conclusion, and the Assistant Secretary found that to be the result. So that raises concerns, obviously, in the minds of many people. Imagine two people seeking grant applications, both applications are rejected, and the Secretary of some agency construed a third grant application. It seems to me that goes beyond any parameters that Congress has extended to the Bureau of Indian Affairs in this kind of a process.

As I mentioned earlier, we have already seen statements from the Assistant Secretary of the Bureau of Indian Affairs. I quote him:

> I am troubled by the money backing certain petitions, and I do think it is time that Congress should consider an alternative to the existing process. Otherwise, we are more likely to recognize someone that might not deserve it.
>
> The more contentious and nasty things become, the less we feel we are able to do it. I know it is unusual for an agency to give up a responsibility like this, but this one has outgrown us. It needs more expertise and resources than we have available.

Mr. President, we could not agree more. I am not suggesting with this amendment, by the way, that any of the applications should be rejected. This bill would involve a 1-year moratorium to put the brakes on in order to put in place a recognition process that is predictable, credible, that would allow people to have an opportunity to respond, if you will.

I don't believe a year is asking too much. I know there are tribes that have been waiting decades, in some cases, for recognition. I feel as strongly about what has happened to them as I do in areas where recognition may be extended where it may not be warranted. The process is broken if you have to wait 25 years to be heard. That itself makes the case. That argues for the amendment and not against it.

So we feel strongly this amendment is not an egregious reach of authority.

Many people all the time ask us for support on various matters. I have certainly cast many votes where parts of the country have been affected by drought or other natural disasters. This is not a natural disaster. It is not even a disaster. It does not rise to that level, but my colleagues ought to understand when we have this kind of pressure occurring in a relatively small piece of geography where concerns are being raised despite recommendations of a technical staff and other recommendations, one can understand the urgency. I think any Senator representing his or her State faced with this kind of issue would take a similar position.

It is with a sense of regret that we have moved forward. I wish we had more time to wait and that another year or two would be adequate. But in the next year or two, we are going to find a lot of these recognition petitions to have been ruled upon. They may be ruled invalid.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DODD. Mr. President, I will let my colleagues proceed and share a few thoughts. The General Accounting Office is the last point I will make. In their study released last November, they were highly critical of the BLM. They did not just speak about Connecticut. They talked about the country. They said the Assistant Secretary has rejected several recent recommendations made by the technical staff, all resulting in either proposed or final decisions to recognize tribes when staff recommended against recognition.

I am not suggesting staff is always right in these matters or suggesting they are right and the Assistant Secretary is wrong. However, it seems to me it ought to be a source of some trouble when we have that kind of conflict of opinions occurring. Especially with 222 petitions pending, with criteria being used selectively, I think it is dangerous and could provoke a lot of hostility which we ought to avoid.

I urge the amendment be adopted, and I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, first, I thank Senator DODD and Senator LIEBERMAN. I know, probably better than most in this Chamber, the exemplary voting record they have had and the strong voice they have been in supporting American Indians nationwide, people who very often are left out and do not have a very strong voice in the Congress. They do not have all the lobbyists that many groups have. They do not have the input that many other groups have. I know both these Senators have done a great job for them.

In this particular case, my friend and colleague, Senator INOUYE, the chairman of the Indian Affairs Committee, is going to move to table the amendment offered by Senators DODD and LIEBERMAN. I reluctantly say it is the right thing to do for our colleagues to vote to table.

During the time we have been considering the fiscal year 2003 Interior appropriations bill and Senator DODD's amendment, the Committee on Indian Affairs has held a hearing on two bills to address the Federal acknowledgment process introduced by both of these great Senators.

I know of no one who has said the Bureau of Indian Affairs is doing everything right, and we constantly review the actions of the Bureau in our committee.

I believe the process that governs how the United States recognizes Indian tribes should be transparent, timely, and afford due process to petitioners. I also believe fundamental fairness requires that truly affected communities be given an opportunity to be heard because, particularly with the advent of gaming, there are many things that happen when the tribes get the opportunity to game that sometimes local communities believe they are left out in the hearing process.

Of all affected communities, I believe the United States owes a moral debt to the Native American communities to ensure they receive every measure of fairness we can provide. That, in fact, is the core tenet of trust responsibility as set up originally in our Federal Government.

The hearing our committee held on September 17 has been very helpful in understanding the effects of this amendment since it contains several of the primary features of Senator DODD's bill, S. 1392. Very important, in my view, was a statement by the administration before our committee that it was opposed to S. 1392 and opposed to this amendment, too.

Primary among the administration's objections is that the legislation and the amendment would:

One, authorize ''interested parties'' to request that the Secretary conduct formal hearings on a petition, in addition to the formal on-the-record administrative factfinding proceeding, and the extensive administrative hearings and appeals that are currently available. They are already available. ''Interested parties'' is somewhat vague.

Two, alter the standard of proof from a ''reasonable likelihood'' standard to a ''more likely than not'' standard.

And, three, create conflict and confusion with the regulatory process by statutorily duplicating some regulations but not others, thereby inserting uncertainty as to which regulatory provisions are applicable.

Additionally, the administration informed the committee that it cannot support a moratorium on an already lengthy, burdensome, and slow process. Senator DODD spoke to that. In fact, they did testify that if either the Dodd bill or the Dodd amendment passed, it would take over a year to promulgate new rules to implement either one, the bill or the rule.

I believe the imposition of such a moratorium would be particularly onerous on those petitioning groups that have gone through nearly the entire process and are now in the stage known as the final determination phase.

Just as important, in my mind, as the opposition of the administration is the position of already-recognized Indian tribes that already have a government-to-government relationship with the U.S. Government. We have received dozens of letters and calls from across the country.

I ask unanimous consent to print in the RECORD the tribes nationwide and four national associations in opposition to the Dodd amendment.

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

TRIBAL OPPOSITION TO DODD AMENDMENT

(1) Tribes opposing amendment: 21;

(2) Tribal association opposing amendment: 5;

(3) Tribes or tribal associations supporting amendment: 0.

TRIBES OPPOSING AMENDMENT

Oneida Indian Nation
Ft. McDowell
Agua Caliente Band of Cahuilla Indians
Passamaquoddy Tribe
Nooksack Indian Tribe
Lower Elwha Klallam Tribe
Sycuan Band of the Kumeyaay Nation
Choctaw Nation of Oklahoma
Hoopa Valley Tribe
Jamestown S. Klallam Tribe
Squaxim Island Tribe
Lummi Indian Tribe
Gun Lake Tribe
Cabazon Band of Mission Indians
Cahto Tribe
Susanville Indian Rancheria
Prairie Island Indian Community
Golden Hill Paugussett Indian Tribe
Wyandotte Nation
Saint Regis Mohawk Tribe
Winnebago Tribe of Nebraska

TRIBAL ASSOCIATIONS OPPOSING AMENDMENT

National Congress of American Indians
United South and Eastern Tribes
Midwest Alliance of Sovereign Tribes
Northwest Indian Fisheries Commission
California Nations Indian Gaming Association

Mr. CAMPBELL. Mr. President, these tribes and organizations from across the United States, from Indian country, have declared their universal opposition. Indeed, they are dismayed that we would be considering making such a sea change on Federal Indian policy through the appropriations process. Since tribes have been playing by the rules and some, indeed, have waited for years for recognition, it seems to me a bit unfair to put this in an appropriations bill.

The Committee on Indian Affairs has held many hearings on the issue of recognition and recognition reform over the past several years. We also heard from several Native groups that the process has taken generations and people have actually died waiting for recognition.

I find it somewhat ironic that descendants of Native people who have lived on this continent for thousands of years have to document who they are to a government set up by primarily post-Columbian immigrants.

One thing that has become crystal clear from our hearings—and this has been documented by the GAO and inspector general reports—is that this agency, the Branch Acknowledgment Research, BAR, is not able to provide information in a timely manner to either the Native American petitioners or to outside interested groups. That is where we should be putting our emphasis and providing more money for that process.

A substantial contributing factor is the flood of requests under the Freedom of Information Act. These FOIAs, as they are called, are keeping the BAR in a state of constant churning of documents, preventing them from performing their core tasks.

Those asking for reforms must recognize the process in place is made worse by the avalanche of lawsuits filed by local communities, State attorneys general, and some suits by already-recognized tribes. I fail to see how providing even more opportunities for lawyers to inject themselves into the process, and generate more lawsuits, is an improvement over the process. If we are going to reform the acknowledgment process, we should make sure we are providing reforms—true reforms—that provide benefits not just for States, the attorneys general, and the lawyers, but also for the petitioning groups themselves.

Finally, I cannot support an appropriations rider that would so substantially impact a regulatory process that has been in place for 25 years and through which so many participants are still working their way.

Placing a moratorium on the process and altering the evidentiary standard is a dramatic change in policy and should not be made without very careful consideration. I could only support such drastic actions if I were presented with credible proof of actual fraud or something equally bad.

I must add that I do support one provision of my colleague's amendment and legislation; that is, as I mentioned, to substantially increase the funds that the BAR receives to conduct its research. In fact, I encourage both my colleagues, Senator DODD and Senator LIEBERMAN, and would join with them in efforts in obtaining the $10 million authorized in this legislation rather than a smaller amount that is in his amendment.

Providing greater resources to the BAR would enable experienced and capable people, whether genealogists, anthropologists, or archeologists, to do their work and provide an answer in a timely manner.

In conclusion, I ask my colleagues to support the motion of the Senator from Hawaii, our chairman, Mr. INOUYE, to table.

I yield back my time.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

Mr. INOUYE. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, first, may I say I am most grateful to my colleague from Connecticut for his gracious remarks. He knows very well it is a very difficult chore to be speaking against his amendment. When one thinks of the friendship that started since the time of his father, this is not easy, but I believe most respectfully that the amendment my colleague from Connecticut presents is not proper.

He says he is for reform. We are all for reform. As my colleague from Connecticut pointed out, there are tribes that have been waiting not a year, not 5 years, but decades to even be recognized for consideration by the administration. This will further prolong it.

Those of us who serve on the Indian Affairs Committee have had reason to pay special attention to the State of Connecticut for quite a few years now—in no small part because of the tensions that we read about in the media reports that appear to be arising out of the fact that the two Federally-recognized tribes in southeastern Connecticut—the Mashantucket Pequot Tribe and the Mohegan Tribe—are conducting gaming activities on their lands under the authority of the Indian Gaming Regulatory Act—as is their right to do under that Federal law.

Because we have been monitoring the public dialogue in the State of Connecticut rather closely, and because the hearing the Committee on Indian Affairs held last week on Senator DODD'S authorization bill, from which the elements of his amendment to the Interior appropriations bill are drawn, I would like to take a few moments to acquaint my colleagues with the dynamics that are at play in the State of Connecticut as I understand them.

Pursuant to the compacts each of those two tribes entered into with the State of Connecticut, in exchange for the exclusive authorization to operate certain forms of class III gaming, as defined in the Federal law, the two tribes have been making payments to the State of Connecticut from the revenues derived from the operation of slot machines.

Those funds are intended, as I understand it, to defray the costs of any impacts that the tribes' conduct of gaming activities may have on the surrounding towns and communities.

Unfortunately, despite the fact that together, over the past nine years, the two tribes have thus far paid the State of Connecticut $2.2 billion, the towns most directly affected by an increase in traffic and business, have not received funding from the State of Connecticut that they feel is adequate to address their needs.

This is what one of the councilmen from one of the towns nearest the Mashantucket Pequot indicated in his testimony before the Committee on Indian Affairs last week. I have no doubt that his perceptions are sincerely-held, nor that they are shared by others in his town.

It is not my place to question the decisions of the State of Connecticut in allocating the funds the State has received from the tribes, but it seems to me that we might well not be here today, were those towns in close proximity to the Foxwoods and Mohegan Sun gaming facilities and hotels not experiencing impacts that were intended to be addressed by the substantial payments—and I think $2.2 billion is substantial by any measure—that both tribes have made to the State of Connecticut thus far.

I raise these issues that are seemingly unrelated to the matter we address today, because the local Connecticut town officials have repeatedly suggested that there is a direct relationship between the process by which the United States Government recognizes the inherent sovereignty of tribal groups and the impacts of gaming activities from which they seek financial relief from the Federal Government.

I have no doubt that the citizens of Connecticut would acknowledge that there are Indian tribes and Native people who are also citizens of Connecticut, because as early as the 1600's, long before this nation was formed, Connecticut established five reservations to serve as homelands for the Indian people of Connecticut.

Thus, for over 400 years, Connecticut has, by its own action, recognized that there are Indian tribes who have historically and traditionally, made their homes in Connecticut—and indeed, that Indian tribes occupied the area that is now the State of Connecticut, long before Connecticut established Indian reservation.

So the arguments that give rise to my friend's amendment cannot be that the State of Connecticut does not recognize the Indian tribes of Connecticut.

No, the argument advanced by the non-Indian citizens of Connecticut and some officials of the State of Connecticut seems to be that the United States should not recognize the Indian tribes that have historically occupied the area that is now the State of Connecticut.

And so, unusual activities are being initiated by State and local officials, to prevent the United States from recognizing these Connecticut tribes.

These activities include litigation, of course, but they also include the hiring of genealogists and anthropologists and historians, and even former employees of the Bureau of Indian Affairs' Branch of Acknowledgment, in an effort to develop information that could serve to prove that the Indian tribes that are recognized by the State of Connecticut either are not Indian tribes, or at least, that they are not Indian tribes which should be recognized by the United States.

I don't suppose that I am the only one to whom this position appears fundamentally and inherently contradictory.

In any event, it is clear that there are citizens and local governments in Connecticut and even the State of Connecticut who are expending substantial sums and considerable energy to oppose the Federal acknowledgment of Connecticut tribes, and that they believe the United States should subsidize their expenditures.

Indeed, Senator DODD has a bill pending in the Committee on Indian Affairs that would provide grants to State and local governments so that they could be better able to carry on their fight.

That is one set of issues.

Another set of issues has to do with the erroneous perception—and sadly I think perhaps this inaccurate portrait is drawn somewhat deliberately—that acknowledgment by the United States that a tribal group is an Indian tribe, leads directly and automatically to the conduct of gaming.

In fact, the vast majority of Federally-recognized tribes in the United States are not engaged in the conduct of gaming activities under the authority of Federal law, and many, like the great Navajo Nation—the largest land-based Indian tribe in the United States—have consistently rejected gaming as a means of economic development.

The acknowledgment of an Indian tribe by the Secretary of the Interior does not even entail the establishment of a land base that could serve as the homeland for tribal members.

No, instead, there is a separate process to determine whether land should be taken into trust for an Indian tribe—a process which provides for significant involvement of State Governors, as well as State legislatures and local governments.

That process is not an easy one—there are tribes across the country who will verify that it takes years—as much as 10 to 20 years—to have land taken into trust.

And that is only step one.

Should a tribe want to pursue gaming as a means of economic development, there is a separate process with even higher burdens to meet—for the taking of land into trust for gaming purposes.

In this process, for land that is to be taken into trust for purposes of gaming after October 17, 1988, there is not only a prohibition in Federal law that has only limited exceptions, but a far greater role for the Governor of each State in whether land is taken into trust for gaming. Some commentators have even suggested that this role that each Governor is afforded under Federal law constitutes an absolute veto power.

So to conclude, it is abundantly clear to anyone who cares to conduct even the most superficial survey of Federal Indian law, that the acknowledgment of an Indian tribe by the United State is a process that is separate and decidedly distinct from the issue of gaming.

Though some may see it as being to their advantage to lump these different processes together and make it appear that they are all one—as one who has

served on the Committee on Indian Affairs for 24 years now, I can assure my colleagues that it simply is not so.

As the Chairman of the Republican National Committee, Marc Racicot, recently was quoted as responding to the notion that people are mixing Federal recognition with Indian gaming, ''Is the question really about the Federal recognition process or is it about gambling? Frankly, I think people should address those questions honestly.''

As my colleagues know, Marc Racicot is the former Governor and former attorney general for many years of the State of Montana.

In that same interview that was published ten days ago, Governor Racicot indicated that his experience with Federal recognition has not been mired in ''irregularities and improprieties'' as alleged by Connecticut officials. Instead, Governor Racicot stated ''the process is clear, plain and steeped in integrity''.

If Governor Racicot's observations were the exception to a perception widely-held across the country, we might have a different set of circumstances to address.

But the problems that are cited by the citizens of Connecticut are clearly different from those that have been identified by administration officials, both past and present, by petitioning groups, by the General Accounting Office, and by those who have testified before the Committee on Indian Affairs.

Of course, like any new venture that bring more people, more traffic, and more revenues into a State, there have been concerns expressed about the impacts of gaming—in our history as a country we saw them first in New Jersey and Nevada.

Today gaming, whether it is Government-sponsored or privately—owned gaming, whether it is tribally-operated or commercially-conducted—from State lotteries to horse tracks to river boats, gaming has given rise to controversy.

As we consider the amendment of my friend from Connecticut, let those of us who know the difference, keep gaming issues separate, and focus on the Federal acknowledgment process.

Cound the Federal acknowledgment process benefit from reform?

I don't think there is any question that it could.

The committees of Congress—the Indian Affairs Committee in the Senate—would not have held so many hearings over the years and would not have considered so many proposals to reform the process, were it not in need of refinement.

The problem is that we do not have agreement on the nature of the problem and even less agreement on the appropriate resolution.

If you asked tribal groups that have been through the acknowledgment process or that have petitions now pending before the Branch of Acknowledgment, I believe you would find unanimity in their view that the process takes too long.

In testimony on Senator DODD's authorizing bill that was presented to the Indian Affairs Committee last week, the chairperson of the Eastern Pequot Tribe—a tribe recognized by the State of Connecticut since the 1600's—testified that the tribe's petition has been pending in the Bureau of Indian Affairs, BIA, for 24 years.

The BIA's records clearly document that the experience of the Eastern Pequot is not atypical.

Each of the Assistant Secretaries for Indian Affairs within the Department of Interior over the past several Administrations—both Republican and Democrat—have stated their views that the process is too long, too cumbersome, and too expensive for the petitioning tribal groups.

The last Assistant Secretary implemented reforms to streamline the process. The current Assistant Secretary is taking further steps to address the backlog in petitions, because by most calculations, it will take the Branch of Acknowledgment another 200 years to complete work on the petitions that are now pending before the Department.

Senator DODD's amendment does not address the seriously-problematic length of the acknowledgment process nor does it seek to reduce the burden on petitioning groups, and so Indian tribes across the country have contacted the Committee to indicate that they do not see this amendment as effecting the kind of reform that has long been seen as necessary.

Unfortunately, Senator DODD's amendment will lengthen the process for those tribal groups who are subject to the proposed moratorium by yet another year, at a minimum, given that we cannot know how much time will be entailed in the promulgation of the rules and regulations required by the amendment.

Experience would instruct us that this moratorium will last for much longer than a year.

The General Accounting Office examined the acknowledgment process in its November 2001 report to the Congress, and found that the seven mandatory criteria which each petitioning group must satisfy, were not being applied in a consistent manner. The conclusions of the GAO report corroborated another long-held view in Indian country.

The amendment before us does not address this issue either.

What the amendment does propose is something that, in the view of many of us who have struggled with these issues for years, requires a much more thorough vetting before it is made part of the permanent body of Federal law.

That is the fundamental question of whether the acknowledgment of a tribal group by the United States should be an adversarial process in which other governments should participate.

Although the current process provides for the involvement of ''interested parties'' in formal meetings and in the process of appeals, and State and local governments have made very effective use of the Freedom of Information Act requests to further bring the snail's pace of the acknowledgment process to a grinding halt, there has been no national discussion and no nationwide consultation within Indian country on this fundamental issue.

Yet, the amendment before us proposes to inject a process of adversarial hearings—at the request of any and all interested parties—throughout the acknowledgment process, and it would appear, before a petition is even ready for consideration.

Another change that the amendment imposes is a change in the burden of proof that a petitioner must meet in satisfying the seven mandatory criteria.

The impact of such a change has not been assessed—it would effect a change in existing law—and there can be no doubt that tribal groups who have been through the process and have not succeeded will now come to the Government seeking reconsideration under the new standard.

Even more likely is the prospect that interested parties will contest the Secretary's findings in favor of acknowledgment on the grounds that those groups that have been acknowledged may not have satisfied the new standard.

Reopening every past action of acknowledgment by the Secretary to assess whether the new standard would have changed the outcome in each case is clearly going to require years and years of effort and litigation.

I think we would all agree that generating new lawsuits against the government is not a direction that reform should take.

Last but certainly not least problematic from the vantage point of Indian country, petitioning groups, from the administration, the authorizing committees of the Congress, and from the Indian Affairs Committee is the moratorium that Senator DODD's amendment would impose on the acknowledgment process.

This moratorium affects not only the groups that have been in the process for twenty years or more, and not only the groups whose petitions are the subject of Federal district court orders, but also groups that are already through the acknowledgment process and currently in the appeals phase.

Particularly in the case of this last group, there has been no rationale advanced as to why a moratorium should be imposed on their petitions in order to reform a process of which they are no longer a part.

Like many of us, I read the newspapers and media accounts from other States. Over the years, I have even spent a little work time in Connecticut trying to be of assistance to the citizens of Connecticut. So I think I have a sense of what pressures are brought to bear on the Members of Congress who serve that State.

Working together, I think we can address the concerns that were expressed at the Indian Affairs Committee hearing last week, but I have to say, as chairman of the authorizing committee, that proposed changes in substantive law and regulations require and deserve careful consideration.

If the provisions of Senator DODD's authorizing measure are to become law, they should be considered in their entirety—not in piecemeal fashion in an appropriations bill—and they should be considered in the context of what reform is needed—as defined by a much larger base of our national citizenry than the citizens of one State.

And so I call upon my colleague from Connecticut to work with us to effect comprehensive reform, and in the interim, to allow the administration to take the steps it has proposed to improve upon the current process with funds appropriated for that purpose.

All of the tribal groups that would be immediately affected by the proposed moratorium filed their petitions well before the advent of Federally-authorized Indian gaming.

They couldn't have been motivated by the prospects of something that did not exist when they filed their petitions and should not be penalized for what has since come to pass.

Let us keep these matters separate, addressing the impact of gaming as they arise, and addressing reform of the Federal acknowledgment process with the deliberative discussion that it deserves.

With these considerations in mind, I urge my colleagues to oppose Senator DODD's amendment.

I will share footnotes in history that we may have forgotten over the years. Our Founding Fathers felt so strongly about the importance of Indian nations that in the Constitution of the United States they have set forth, in good language, that Indians should be recognized as sovereign countries and as sovereign nations. We have entered into 800 treaties with Indian countries, as we do with the British, the Germans, the French, the Japanese, and the Chinese.

Indians are sovereign. I realize it is very difficult for fellow Americans to look upon the Indians as sovereign people, but they are. They were here before we arrived. This was their land.

Sadly, I must report that the Senate—of the 800 treaties we have had signed by the President of the United States and by the ruling monarchy of the nation, 430 were ratified by our predecessors and 370 are still in the files. They are in the files because we found oil, gold, and precious material and suddenly we felt, no, we cannot give that away.

Of the 430 we ratified, we violated provisions in every single one of them. That is our record. I am not proud of it. I think the Indians have waited a long time for justice, and I am sorry to say to my dearest friend of all that this does not bring justice to them.

When the first European landed here, he found a sophisticated and organized group of people. They had elected leaders. They had a judiciary. In fact, if one reads the writings of Jefferson and Benjamin Franklin, they will note reference to the Iroquois Confederacy, a confederacy made up of six tribes, six nations. Each tribe elected their representatives, the judiciary, their leader. They sent a delegation of representatives to the central office, and the clan mothers voted to select the supreme chief. In those days, long before we came on the scene, the women took part in the electoral process. They were a few years ahead of us. That was democracy as our forefathers conceived.

Laws were passed to further strengthen the basis of sovereignty. At the time they were recognized as sovereign nations, these Indian nations had jurisdiction, authority, and control over 550 million acres of land. Since then we have had the Indian wars, and let us call it what it was, Indian extermination laws. We had what is known as an allotment. Let's open it up. From 550 million acres, today there are 50 million left.

One of the provisions in this amendment speaks of lands where they historically resided. Most of the Indians of this land do not live in places where they historically resided. The Cherokees now live in Oklahoma. After the Indian wars, they were rounded up from the Carolinas, and before they landed in Oklahoma, the dumping ground, 80 percent were dead.

So where is the historic place of residence? One can say that of just about every Indian tribe. This is what we are dealing with.

In the State of Connecticut, there are two very successful Indian casinos, Mohegan Sun and Foxwoods. In the last 9 years, they have provided income to the State of $2.2 billion because that is part of the agreement with the State of Connecticut. That is a lot of money.

We cannot intrude ourselves into the affairs of the State and say you should give that money to the town next to Foxwood or next to Mohegan because the impact is greater. That is the State's decision. I would think the moneys these Indians have provided for the government of Connecticut should be sufficient, but that is not within our responsibility.

Another footnote in history: One would get the impression after listening to this debate that most of these Indians who are seeking recognition and who are seeking land are seeking such land for gambling purposes. Far from the truth, sir. Most of them do not want gambling. In fact, the largest Indian tribe in our Nation is the Navajos. They will not permit gaming within their lands. No, they do not want any gambling in their lands.

Of those treaties that were not ratified by the Congress—still in the files around here—there are several that affected the Indian nations of California. Because the treaties were not considered, in a sense they are men and women without nations, without land. We decided to put them in a little enclave and say: You live here or you live there because you look alike.

My first chore as chairman of this committee was to break up a tribe because we had put in Pequots and Hoopa-Huroks, historic fighters.

Just in case one gets the impression the Indians are ''give me, give me, give me, all the time,'' they have given more than any one of us can expect. As one who values the service of men and women in uniform, may I simply say that of all the ethnic groups in the United States, of all the racial groups in the United States, on the basis of per capita participation, the Indians have sent more sons and daughters in uniform to face harm's way than any other ethnic group—more than the Germans, the Irish, the British, or what have you. Indians have fought in every war in the last century, and every one now, in greater numbers. They have given their lives in greater numbers, per capita. They are not asking for a handout. They are asking for what the Constitution calls for and what the laws of this land call for.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield to the Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague from Connecticut.

In a little over an hour the Senate will vote on the amendment Senator DODD and I have introduced which we believe will reform and strengthen the Federal tribal recognition process to the benefit of the Native American community and everyone else concerned. It will make that process more fair and give it more credibility and hopefully will provide the resources to have the decisions on tribal recognition made by the BIA and the BAR in a much more timely fashion.

Some tribes have been waiting years and years and years for a decision from this recognition process that is, regrettably, broken. Of course, in part it is broken because of the gambling associated with Native American tribal recognition and the surge of applications, the dramatic interest in recognition. Often, recognition leads to the presence of gambling in a locality and the inability of these regulatory authorities to keep up with that extraordinary increase in demands on them.

In Connecticut—a relatively small State, yet we have three federally recognized tribes—one recently recognized tribe is being appealed and nine more recognition petitions from our small State are in the pipeline of the Bureau of Indian Affairs. We have in two of the federally recognized tribes the two largest casinos in North America, I believe in the world. So there is an impact that these decisions have.

That is why, last year, my colleague from Connecticut and I introduced S. 1392 and S. 1393, which were designed to

reform and improve the process by which the Federal Government recognizes the sovereign status of American Indian tribes and their tribal governments. We certainly did not view this as antirecognition because there is a historic, a moral right to recognition by tribes that can meet the requirements of this process. Nor was it, as we conceived of it, inherently antigambling. It was to say that the decisions have taken on extraordinary importance and they ought to be reached by a process that is not only fair in itself and gives all participants—the tribes claiming recognition, the neighbors of the tribal grounds, towns, et cetera—the belief that they have been through a process that is fair and therefore that the results of the process, the decisions made, are credible.

We have introduced this amendment reluctantly because the problems with the tribal recognition process have not gotten better, notwithstanding concerns expressed by many, as has been indicated here.

As my colleague from Connecticut has said, this happens to be a problem that has impacted Connecticut, a relatively small State, but this is really a national problem affecting Native Americans seeking tribal recognition in the States in which they are now located.

Let me quote from the GAO report, which has been cited, which found that ''the basis for BIA's tribal recognition decisions is not always clear.''

It went on to state:

> While there are set criteria that petitioners must meet to be granted recognition, there is no clear guidance that explains how to interpret key aspects of the criteria. For example, it is not always clear what level of evidence is sufficient to demonstrate a tribe's continuous existence over a period of time—one of the key aspects of the criteria. As a result, there is less regulatory certainty about the basis for recognition decisions.

That is from a critical report by the GAO on this recognition process. That GAO critique has been seconded by the Interior Department's inspector general and, as has been noted in this debate, even by the past Assistant Secretary for Indian Affairs.

Despite these critiques, there have been no real changes in the recognition process to fix the problems. Instead, the status quo has continued at the BIA, with applicants experiencing long delays and parties in various cases dealing with decisions that they believe have been unfairly arrived at. The amendment we will vote on at 5:30 this afternoon is our attempt to improve this situation. Rather than letting the process continue in the current manner, we ask for it to provide adequate procedures to ensure its legitimacy—something that would benefit both the tribes and the communities and parties that surround them.

I want to stress that this amendment does nothing to affect already recognized Federal tribes or to hinder their economic development plans; nor does it change existing Federal tribal recognition laws. It is our hope, in fact, and has been our hope, that the Native American tribes might support these procedural reforms that we are recommending so as to buttress the legitimacy of the ultimate recognition rulings.

While, as my friends and colleagues from Colorado and Hawaii have indicated, that is not the case and, in fact, a large number of Native American tribes have opposed this amendment, I continue to hope the fact that we have brought it before the Senate may encourage them, under the wise and fair leadership of the Senator from Hawaii, Mr. INOUYE, and the Senator from Colorado, Mr. CAMPBELL, to see if we can't find common ground.

It seems to me no matter what side you are on in a particular proceeding before the BAR or BIA, you have an interest in due process and you have an interest in the result of the process being as broadly credible as possible.

What our amendments would do consistent with recognition laws is to ensure that recognition criteria are satisfied and that all affected parties, including affected neighboring towns, have a chance to fairly participate in the decision process. Our amendment ensures a system of notice to affected parties. It assures that relevant evidence from petitioners and interested parties, including neighboring towns, is properly considered; that a formal hearing may be requested with an opportunity for witnesses to be called and with other due process procedures in place; that a transcript of the hearing is kept; that the evidence is sufficient to show the petitioner meets the seven mandatory criteria of Federal regulations; and that a complete and detailed explanation of the final decisions and findings of fact are published in the Federal Register. There is nothing very radical here. It is basic due process procedural rights, all consistent with the established recognition criteria. We have not changed the recognition criteria in the amendment that we proposed.

Under the amendment, funding available under the Interior appropriations bill to the Bureau of Indian Affairs for the recognition process becomes available when these fundamental due process procedures are implemented by the Secretary of the Interior. So insofar as this is considered a moratorium, it is a moratorium, as I know Senator DODD has indicated, that could end in a week if these due process changes were put into effect. Our amendment dictates no outcomes in any particular cases. It aims to ensure a fair process.

So I hope my colleagues will take a look at the amendment. In some sense the impact of the currently broken process at the BIA has been felt with a particular intensity in Connecticut. But this is a national problem.

We may not adopt this amendment today. I hope we will, but if we do not, this is a problem that is not going to go away. It is going to be felt more and more around the country. Again, I say our aspiration is to find common ground. I thank the Chairman, Senator INOUYE, and Senator CAMPBELL for their characteristic courtesy and respect and thoughtfulness. We disagree on this one. It is a disagreement in good faith on both sides. I continue to express the hope that under their leadership, those who are concerned about the fairness of the recognition process, those who are concerned about the lack of speed in the process—the terrible delays—will be able to come together and agree on a series of reforms, and then the funding for additional staff at the BAR and BIA to make the promise of due process here real for all concerned.

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes remaining. The Senator from Colorado has 3 minutes 53 seconds remaining.

Mr. DODD. Mr. President, I see the majority whip. I ask unanimous consent we extend the debate an additional 10 minutes, equally divided, so we can make some concluding remarks.

Mr. REID. Mr. President, I think that would be appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. I have no objection.

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

Mr. CAMPBELL. Mr. President, I have made most of my comments already. I don't know who else will be here on the floor to speak against the Dodd-Lieberman amendment, but I would like to respond to just two small points that were made by our friend, Senator LIEBERMAN.

First, though, let me thank Senator INOUYE for a very eloquent statement. He really does speak from the heart. When you hear him talk about basic fairness and justice that American Indians deserve and need, I think Senator INOUYE's own experience and background as a Japanese-American and what his people went through in World War II gives him a very special insight, and certainly a very special feeling for what Indian people face.

Let me make two very short comments on Senator LIEBERMAN's remarks. He made reference that this would not affect existing tribes. He is right, I guess, in some respects. But I think we need to look at that in historical context.

First of all, when the original recognition process was done—clear back in the early 1800s—it was done so that the Federal Government could provide rations, blankets, and so on, to the Indian tribes that were deprived at that time of their hunting rights and restricted to certain areas. That is why it was originally set up. They had to find out who qualified to get some benefits, and that is what trust authority is about.

It will not surprise anyone in this Chamber to know that there were some people even at that time who did not want recognition. Certainly some of them hid out in the hills of the Carolinas because of the Trail of Tears, when their cousins and brothers and fathers were rounded up and driven at gunpoint clear across the Nation to Oklahoma. The ones who hid out in the Southeast States—would you want to tell some government bent on killing your people you want to be recognized? Not likely; that would be a pretty dumb thing to do.

There have been Indian people in some parts of this country all along who were not ''recognized'' by the U.S. Government. It didn't mean they were not Indian. It didn't mean anything of the sort. They knew very well what would happen to them if they were so-called recognized.

The second point I want to make is during the 1950s, during what was called the Termination Act, the Federal Government, in its infinite wisdom, decided many Indian tribes were no longer tribes. I guess that meant they were no longer Indians, at least not of a group of Indians. That has always rather confused me because I have always likened it to maybe telling African Americans that they were no longer Black. I mean, you are what God made you. That's it.

But through the Termination Act of the 1950s—I don't remember the exact number, and I don't have it in my notes—as I just offhand remember, there were over a hundred, if not several hundred, tribes who were told by the Federal Government: You are no longer Indian tribes.

Many of them are still trying to be rerecognized. The ones that were terminated in the 1950s, they have to get recognized through a different process. They have to do it through legislation.

But the point is the fact that many of them that historically had ancestors on this continent maybe for 10,000 years were being told by a government set up by new immigrants that they were no longer Indian tribes still confuses me.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Connecticut, Mr. LIEBERMAN, for a very eloquent statement. Let me also thank my colleague from Hawaii for a very eloquent statement he has made. I would not take issue with any comment he made about the relationship between the history of the U.S. Government and its treatment of Native American tribes going back to the founding days of this Republic.

It is a sorry history in many instances and circumstances.

The Senator very graciously mentioned my father. Let me mention my mother. My mother used to tell me all the time that two wrongs do not make a right.

That we have done a terrible injustice to Native American people over the years does not justify, in my view, continuing a process that would allow recognition to occur where it may not be warranted. In America, where recognition should be extended and granted, the process must be fair. As for the recognition process—its history—my friend from Colorado makes a very strong statement. It is something of a historic anomaly in many ways; that's why recognition must even occur. The fact is that the current process is the law of the land.

I can speak very directly about my own State. It is a difficult process, which is still ongoing for that matter. There are those in my State and others who would like to undo the recognition extended to the Mashantucket Pequots. Books have been written about it. Popular books have been written. That garnered national attention in questioning the recognition of that tribe. I have disagreed with them.

I also know the process that the Mohican Tribe went through in my State. It was a very long and elaborate process, working very closely with the community leaders in the towns in which they are located—State, as well as the National Government.

Our point here is not about the history, as much as concern about the history is justified. It is not about the past, as legitimate as those arguments are. It is about today and the future.

Let me quote, if I can, a letter I received from the National Congress of American Indians.

By the way, the amendment that is part of the bill was considered for over a year and isn't written out of whole cloth. I showed this amendment to Native Americans around the country and asked them what they thought of the amendment.

This letter I received from Tex Hall is dated September 12 of this year. He opposes the amendment. Let me be very clear. The National Congress of American Indians opposes the Dodd-Lieberman amendment, but listen to what he says in the letter. I am reading from the second paragraph.

> And I believe that tribal leaders agree with you it must be a rigorous process requiring the petitioner to demonstrate historical and continuous American Indian identity in a distinct community. We believe that the process could benefit from a serious review by Congress and a codification of the process and the criteria.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, September 12, 2002.

Re Opportunity to Meet and Discuss Federal Recognition Process.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the more than 250 member Tribal Nations of the National Congress of American Indians, I write to request an opportunity to meet with you and a group of tribal leaders to discuss proposals to change the process for petitioning the federal government for recognition as a federally-recognized Indian tribe.

Both the federal government and the NCAI have a longstanding position that legitimate Indian tribes whose status has been historically omitted should have the right to petition for formal recognition by the federal government. And I believe that tribal leaders agree with you it must be a rigorous process requiring the petitioner to demonstrate historical and continuous American Indian identity in a distinct community. We believe that the process could benefit from a serious review by Congress and a codification of the process and the criteria.

The current process is plagued by an enormous backlog, and some petitioners have been waiting over two decades since they submitted their initial petitions. NCAI believes that the federal government should make the resources available so that petitions can be processed in a timely way.

As you know, we do not agree with your pending amendment. We believe it would create an indefinite moratorium on the recognition process. Because there is no incentive for the Secretary to actually create the new process, the petitioning tribes would be put in limbo for additional years, adding to the unjustness of the already interminable federal delays.

In addition, by attempting to create a moratorium on federal tribal recognition through the introduction of an amendment to the Interior Appropriation bill, this amendment attempts to circumvent the Congress' procedures for dealing with complex Indian issues like federal recognition. Such a drastic change in federal Indian policy should be referred to the authorizing committees for development of the record and an opportunity for broader participation and deliberation. While we greatly appreciate the contacts from your office, two days notice is not nearly enough time to engage tribal leaders in a meaningful discussion.

As I mentioned above, I would very much like to meet with you to discuss these matters in greater detail and would be willing to put together a small group of tribal leaders to participate in the discussion. I believe that we should also include Senators Inouye and Campbell in the discussion, so that this issue can be prepared for review by the Senate Committee on Indian Affairs.

Thank you for your consideration of this request.

Sincerely,

TEX G. HALL,
President.

Mr. DODD. Mr. President, my colleagues ought to know that in the concluding paragraphs of the letter he disagrees with this amendment.

But his conclusion about a process that needs repair is one that is embraced almost by all.

My good friend from Colorado has legislation pending that would move the present recognition process from the BIA to a new commission. I agree with him on that approach. I believe it will take time to get that done. I presume there will be regulations and the like appended to it.

It is not a question of debate about whether or not the process is in need of repair. It appears that everybody agrees with them because of what has happened and the various circumstances. We are talking about 222

petitions, and maybe more—all of which may be legitimate. But shouldn't we know in the end that there has been a process followed fairly by all and that there will be at the end of the day a conclusion that is just and reasonable and will withstand the test of time? That is all we are suggesting.

The poignancy, I suppose, is because it impacts my State. I am aware of it because of what's going on in my State. If I had no petitions pending in my State, I wouldn't be standing here. I wouldn't be aware of the issue. But we are aware of it.

I am worried about the future for the very same reasons that history suggests—that we will find out again that there is unnecessary division, hostility, and resentment growing. That should not be the case.

I strongly urge that this amendment not be defeated—I suspect that it may be—and that we do something soon to repair a process that looks too cavalier. If there is just going to be recognition of all petitions coming forward, why don't we just say so straight out? If there is going to be a process to demonstrate satisfaction of some particular criteria, let us make sure it works. As it is now, it is catch as catch can. Sometimes the rules apply. Sometimes they don't. Of the seven criteria, some we follow rigorously, and some we don't at all. Some are applied in some cases and not in others. Some petitioners are granted, some are denied, and some are brought together. There are third choices inexplicably made.

This isn't working right. It needs to be repaired. We can do that in a very short order because we recommend no new criteria. We just say codify the existing criteria, put it in shape, and let everybody know what the process is working so they can go through it in a reasonable way. It is outrageous that they should have to wait two or three decades for recognition.

The fact is that we have supported additional resources here to the agency to try to provide the technical staff so decisions can be made within a reasonable amount of time. With these resources, people can be heard and the agency can reach final conclusions that I believe all Americans can support.

That is what this amendment tries to do—nothing more than that and nothing less than that, but nothing more than that.

Again, I suspect the amendment will be defeated, but I hope the end result is that we can get a better system. My State may regrettably find itself with some petitions granted that do not deserve to be, but maybe that is the price you pay for doing something about broader reform.

I regret that there had to be a disagreement between people who support Native Americans. I admire them immensely. But as I look down the road here, I worry that if we don't straighten this situation out that we could find the situation getting worse. I don't want to see that happen. For those reasons, I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. Five minutes seventeen seconds.

Mr. INOUYE. Mr. President, if the Senate should rule that the votes against the amendment prevail, may I assure my colleagues that the committee stands ready to consider any and all suggestions on how to reform this process. It is a scandal at this time. We realize that. It should be changed.

I move to table the amendment.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion entered to reconsider the vote whereby cloture was not invoked on amendment No. 4480 is agreed to and the motion to reconsider is agreed to.

There will now be 60 minutes for debate with respect to that cloture motion, with the time equally divided and controlled by the two leaders or their designees.

Mr. REID. Mr. President, the Republicans have still 10 minutes as if in morning business. The time is yielded on this Dodd amendment, but there are still 10 minutes of morning business to which Republicans are entitled. Do they intend to use that?

Of course, we will have time later this evening, as we always do. I ask unanimous consent that we move forward, as the Chair announced, and that the time allocated be disposed of.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, point of information: What time will the vote on the Dodd amendment take place?

The PRESIDING OFFICER. At approximately 5:37.

Mr. CAMPBELL. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. 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, it is my understanding that we are on H.R. 5093. Is that right?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The Chair lays before the Senate cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Byrd amendment No. 4480, as amended, to H.R. 5093, the Department of Interior Appropriations bill, 2003.

Debbie Stabenow, Harry Reid, Charles Schumer, Evan Bayh, Mark Dayton, Jeff Bingaman, Jim Jeffords, Joseph Lieberman, Bill Nelson of Florida, Blanche L. Lincoln, Byron L. Dorgan, Jack Reed, Patrick Leahy, Robert C. Byrd, Mary Landrieu, Max Baucus.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I understand that between now and 5:30 we have been allotted time to debate the Craig-Domenici amendment as it relates to the cloture motion on the Byrd amendment on the Interior bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Thank you.

Mr. President, I will allot myself 10 minutes to debate this issue.

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

Mr. CRAIG. Mr. President, for several weeks now, the Senate has been considering the Interior appropriations bill, of which the Byrd amendment to that bill would put critical fire money back into our Forest Service budgets that have been badly depleted by the season that we are hopefully beginning to leave, which is known as the fire season, especially in the Great Basin West. That money is critical.

But it was because of our concern about fires and the wildfires that have swept through the West this summer that I and Senator DOMENICI and a good many other western colleagues joined in working with the administration, and for a good long while in a very bipartisan way, to see if there was not some middle ground to create some flexibility to go into those worst fuel-laden lands and to develop a thinning and cleaning process that would be environmentally sensitive and at the

same time effectively reduce the fuel loading that has gone on there that has precipitated in some of these very dramatic wildfires that have occurred out West this summer.

I recite, again, for the record, we have burned well over 6.5 million acres to date of wildlife habitat and watershed, possibly several million acres of old-growth forests. We have lost about 3,000 homes, private homes of our citizens. Over 25 people, I believe—26 or 27 at least—have been killed in relation to these fires. It is without question a national emergency, a national crisis. I almost have the sense that we have fiddled a bit over the last couple of weeks while our forests have burned.

There are still fires burning in California. As we speak, acreage burning in a national forest outside of Los Angeles over the weekend has consumed over 12,000 acres and has threatened numerous homes. Yet because of some special interests here and phenomenal allegations or statements made in the media over the last several weeks, you would think I and others were trying to precipitate a whole new logging program for the forests and that somehow was evil, instead of the very limited, targeted thinning and cleaning that we think could and should be utilized to reduce the fuel loading on these forests that has created these firestorms.

I have here a variety of editorials and news comments from major papers across the Nation. I am fascinated by words such as ''nose under the tent,'' ''intent to allow logging companies to be turned loose once again in our national forests.'' My reaction is, can those who write the news read the news?

Can they not read the Craig-Domenici amendment and understand that it is phenomenally limited, that it would require very specific language by the U.S. Forest Service, that there would be the right to go to Federal court and block any of these actions, that we have tied no one's hands other than to say that on these limited, targeted acres, we will not allow appeals, nor will we allow a temporary court injunction that has locked up tens of thousands of acres already, many of them that burned this summer, from the ability to get in and thin and clean them?

No. Those who write the news can read the news. But oftentimes those who write the news choose a bias that they think is popular, and in the end our forests burn. Thousands of homes are lost, lives endangered, and we struggle here at the Federal level to attempt to make some slight adjustments in public policy to return a state of health to our national forests.

Last week, our colleague from New Mexico, Senator BINGAMAN, came to the floor and offered an alternative amendment. He did not introduce it. He laid it before us as something that could be viewed as an alternative. I began to study it to try to see if it was a reasonable alternative or whether in fact it would deny any activity, if it was simply a Trojan horse in the reality of, would it do something similar to what the other Senator from New Mexico, Mr. DOMENICI, and I had proposed.

After thorough examination of that, I must tell you I believe the Bingaman amendment to be just that, a Trojan horse. Not only does it limit dramatically what you could be able to do, it creates some categorical exemptions. And then it does something else that is very important in the language of the law or the policy we are debating as to whether it frees the hands of the forest managers within these limited areas to do what is necessary to limit this fuel loading.

It is a term called extraordinary circumstance; in other words, there won't be any appeals based on the standards of the National Environmental Policy Act, or any temporary court injunctions, unless there is an extraordinary circumstance.

That is a provision in administrative regulations that governs the management activities of forests that is really quite clear. Let me count the number of ways an extraordinary circumstance could occur. It is literally in the eye of the beholder, in the eye of the person who wants to file the appeal. It probably broadens the effective opportunity to bring an appeal to any of these actions on our public lands when, on the other hand, the Senator from New Mexico would suggest he was creating greater flexibility.

Organizations such as the NRDC or the Earth Justice Defense League, the Sierra Club, the Wilderness Society, and the Southwest Center for Biodiversity clearly could use this as the opportunity for which they have already used the law, to lock up any effort or nearly all efforts in attempting to deal with what we would hope would be an effective way of thinning and cleaning.

You have heard me speak in the last days about the total amount of acreage out there that is in crisis at this moment. We have about 74.5 million acres that are at high risk, and while we have that many, Senator DOMENICI and I, and many of the colleagues who have joined with us—I now see the Senator from Arizona in the Chamber, who is a cosponsor, and the Senator from Montana—have asked that we only be able to deal with about 10,000,000 acres, not opening the forest wide open but a limited number, for a very real reason.

I believe it is fundamentally important that we show the American people that when we stand on the floor of the Senate and talk about not entering roadless areas and protecting old growth and merely thinning and cleaning and bringing down the fuel loads and moving them out of the forest, we want to prove it, we do want the American people to see that what we say is, in fact, what we mean, and that the U.S. Forest Service will go forward in a limited way to do just exactly that.

Do I want to prove the editorial writers of some of America's press wrong? You bet I do. Because they are wrong, and they flat know it. In fact, it reminds me of that news reporter from NPR who e-mailed some of our environmental groups and said: Get me the worst case scenario so I can disprove the logic or the arguments of the Senator from Idaho. And the environmental group writes back and says: We can't give you any worst case scenarios because we have them all on appeal and we have it shut down so they don't exist.

So in other words, when we are concerned that the appeals route would be used in these limited cases, the environmental groups have responded that they are already using them, that they are not tolerating the activities of thinning and cleaning.

So it is obvious why we would want to step forward and say, let us use this limited opportunity to thin and clean and then show the American people that there is a better way of conducting forest health and allowing our forests to once again rejuvenate themselves for watershed, for wildlife habitat.

My colleagues are here in the Chamber to speak. Let me conclude.

Even if the public policy of our country allowed it, 8 to 10 million acres to be thinned on a 1.5- to 2-year basis, and average that out over the next 20 years, we would still—because of the health of our forests today and the fuel loading that exists and the bug kill and the dead and dying—lose anywhere from 5 to 6 to 7 million acres a year to wildfire. That is the reality of the environment in which we live, the reality of the environment we are now trying to change so slightly to return forest health.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BURNS. I yield myself 5 minutes. I know there are other Senators on the floor wanting to speak. I will just speak common sense.

Legalese is not my expertise. I leave it to those trained in the discipline, as most of my expertise was on the farm.

This is a very troubling issue for one simple reason: What if anybody were allowed to put in a garden and at the same time were prohibited from doing any weeding or watering or doing anything to make it produce—prevented from fundamental attention?

I am wondering if they would enjoy the fruits of their labor when harvest time comes. They say history is the greatest blueprint to the future. Throughout history, all creation on this earth, in order to ensure its internal survival, it must have some kind of economic worth.

Now, that sounds hard and cold, doesn't it? But it happens to be a very true fact. There are those who somehow choose to look at our natural resources, or a natural landscape, and put it over into the column called ''spiritual''—not logical, not economic.

Our forests cannot survive the ages with that approach. Under that philosophy, what will survive longer than the forests is the pine bark beetle. Fires will continue to exist—hotter—taking from the soil what cannot be replaced by anything but old growth.

So as we approach this problem, I ask for common sense. What we are trying to do here is a commonsense approach to settle our disagreements on how we manage the forests. We hire the U.S. Forest Service to do that. When their management practices are questioned, the burden of proof falls on them to prove why that management practice will work, but I see no proof offered by those making the appeal that the Forest Service plan doesn't work. That is what we are trying to do—get it to an impartial environment to settle those differences. That is all we are asking. We are not changing any law, no environmental law, not the Environmental Protection Act, not the Clean Water Act, not the Clean Air Act, not the Forest Management Act. We are not changing any law. We are not denying anybody's right to appeal or to have their day either on an administrative appeal or a judicial appeal. We are not changing that.

That was changed, however, with regard to South Dakota. So we are not going that far. What we are saying is we are going to put the ball on the 50-yard line, which requires the burden of proof both from the land managers and by those who would disagree with them. That is all we are asking. And then the third thing we are asking is that we get a vote, a commonsense vote.

The American people, every night this summer, watched their forests burn—every night. Such a waste. There was not only the loss of the resource, but the loss of the wildlife and the habitat and the water quality because the rains will come and the snows will come and the mud will slide. Now, I don't know any other way to put that other than it has been my experience in my years of working and living in an environment of sun, water, and soil, and what it produces. So I am sorry that we have to educate and remind people that what we see outside in our natural environment does change.

Mr. President, I yield the floor to my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I first ask unanimous consent to have printed in the RECORD an editorial of the Arizona Republic this morning entitled ''Forest Plan Has Merits.''

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

FOREST PLAN HAS MERITS

Interior Secretary Gale Norton may be correct about the desperate conditions of America's western forests. And she may be right, too, in her pitch that President Bush's Healthy Forests initiative is a reasonable plan for bringing them back to health.

But the Interior secretary—indeed, the entire Bush administration—is over-optimistic in the extreme if they truly believe environmentalists are going to leap on board with it.

In Phoenix last week for a Native American economic development summit, Norton detailed for the Editorial Board elements of the initiative, which would treat about 10 million forested acres deemed in critical shape.

Much of the plan is inspired by the work of such Arizona forest scientists as Wally Covington of Northern Arizona University and Stephen Campbell of the University of Arizona, both of whom have conducted or contributed to landmark forest management studies.

Covington has proposed thinning Arizona forests to 19th century conditions; Campbell's Blue Ridge Demonstration Project envisions the way to do it: By authorizing private-sector ''stewards'' who would perform commercial bio-mass extraction. That is, private firms that would do mostly small-tree logging, cleaning the forest of fuels and putting the wood they chop to innovative uses. In Phoenix, Norton passed around some intriguing examples of wood products produced from small-diameter trees.

Already, though, critics are labeling the proposal as a tree grab on behalf of the timber industry.

At the heart of their objections is the vast territory targeted by Bush for treatment and the means he proposes to accomplish it: Providing 10-year contracts to the ''stewards'' and placing restrictions on the burdensome review process that so many thinning projects over the years have had to endure.

Among the many Forest Service thinning projects reviewed and appealed to death was the 7,000-acre Baca Ecosystem Management Area in northeastern Arizona. After two years of appeals and lawsuits, only 300 acres of the Baca project were treated by the time the ''Rodeo-Chediski'' holocaust roared through. Today, 90 percent of the Baca area is a wasteland of dead, blackened stumps and sterilized soils.

Healthy Forests is on the right road.

Democrats in Congress are coalescing around a far more limited plan that accepts many of Bush's premises but restricts the bio-mass extraction to forests near communities. That doesn't address the plague of deep-forest destruction, and not just by fire. Federal wildlife officials have identified 46 species of fish and birds that are declining in population because of the thicketlike density of the deep forests.

The president's ''stewardship'' proposal deserves consideration. It seems tailor-made for Arizona, which today has no logging industry at all. Just thick, tinder-dry forests waiting to be consumed.

The forest need good stewards. Healthy Forests might become a way to find them.

Mr. KYL. Mr. President, this editorial points out the plan that President Bush has proposed, as largely reflected in the proposal Senator BURNS and Senator CRAIG and others have been talking about, is the way to scientifically manage our forests. We are bragging a little bit in Arizona because one of the scientists who pioneered this technique is Dr. Wally Covington of Northern Arizona University at Flagstaff. He and Stephen Campbell of the University of Arizona conducted these landmark management studies and demonstrated that by returning our forests to the conditions in which they existed 100 years ago, we can save them from disease, insect infestation, and catastrophic wildfire.

What that entails is going in and mechanically thinning and removing—thinning the small-diameter trees that clog the forests and removing that and the other debris from the forest—cleaning up the forests, in effect; then when that debris has largely been removed, introducing fire through a prescribed burn in the wet, cooler months of October or November so the fire doesn't get out of control. There is not nearly as much fuel to burn and it is cooler. Then, at that point, basically we let nature take its course. Say the next summer a lightening strikes a tree and starts a fire. What is going to happen after this debris has been cleaned out and the fuel has been removed? It will move along the grass and it may burn the grass and a few pieces of dry limbs and debris on the floor; but since most of it has been cleaned up, it is not going to create a crown fire, which causes all the damage.

Since most of the small-diameter trees have been removed, it is not going to have that ladder of trees to climb up to the canopy of the big trees.

What you have seen on television is the preheating of these big ponderosa pines from the forest fire. Then when the fire goes through the smaller trees, it climbs up the ladder of the forest into the canopy of the big trees and explodes into those giant fireballs we have all seen and have been sickened by. That is what happened in Arizona this year, when fires devastated an area the size of the State of Rhode Island. That is how much burned in Arizona. When you look at the moonscape-type of environment that now exists, you are sickened by the reality that much of this could have been prevented.

It turns out there was a project that had been proposed by the Forest Service in this area about 3 years ago, and there were about 2 years of lawsuits and appeals by environmental groups to stop this so-called Baca ecosystem management area. Well, the fire came through and only about 300 acres had been permitted to be treated by the time the fire came through because of the appeals that had been filed by these environmental groups, as a result of which about 90 percent of the Baca area has been burned. It is now nothing but sterilized soil and blackened tree trunks with no branches or pine needles on them whatsoever.

So the filing of the appeal by these environmental groups resulted in about 90 percent of this area burning rather than being treated. Some of the environmental groups will say they want to protect endangered species or old-growth trees. Well, they protected neither in this case. The fire came through and wiped them all out. Why? Because we haven't been able to thin and do prescribed burning. We could not cut out that dog hair thicket that exists in the forests because they have not been treated before. It is called dog

hair thicket because they say a dog cannot run through it without leaving half of its hair behind in the snarly little trees that are growing in the area of the forest that needs to be treated.

What happens when the area is treated? You have cut out a lot of the small-diameter material and taken out the debris, and you open up the forest to the sunlight. You create an opportunity for grasses to grow, and you reintroduce butterflies, birds, insects, and small and large animals to the area.

All of a sudden, instead of a dead and dying ecosystem, you have created a very vibrant and healthy natural ecosystem.

What is our goal with respect to the trees? Our goal is to try to preserve as many of the old-growth and large-diameter trees as possible. That is what is done when we thin the forests the way we are talking about doing.

So why haven't we been able to come to some compromise on the legislation we are talking about to enable us to do this? The reason is there are radical environmental groups that, frankly, have control of some of the politics of this issue with some of our colleagues and have persuaded them that we are going to open it up to unfettered logging, we are going to log the old-growth forests, we are going to clearcut the western forests, we are going to take away any opportunity for people to have input as to what is done, we are going to destroy all the environment for endangered species, and so on.

All of that is simply wrong. It is not true. We are talking about legislation that has very significant limits. These thinning projects have to be approved by all of the different groups, the so-called stakeholders, the environmental process, the NEPA process where the forest plan has to have been followed.

The whole point of the stewardship projects, as they are called, is to enable us to go in and clean out the forests, leaving the large trees. That is the whole point.

Under our legislation citizens would be permitted to file a lawsuit in court and appeal the plan if they want to. Nothing stops them from doing that. All they have to do is point out to the judge: Look, the object here was to save these big trees and cut out the underbrush. Well, they are not doing that in this case, if there ever were such a plan proposed.

I do not think they want to have to face up to the reality of what we have proposed, which is a very reasonable way to manage our forests. In many respects, they would rather cut off their nose to spite their face. That is a phrase I used earlier today, and one of my young staff said: What does that mean? It is a phrase my grandmother used to say. It means you are basically so selfish about what you want to do that you are not willing to look at the larger picture, which would enable you to save yourself if you would apply management techniques.

We could apply this management technique to thin the forests and do prescribed burning and, thus, prevent the kind of disease or forest fires that in the past have ravaged these forests and absolutely wiped out the habitats. Some people would rather have the fires exist to catastrophically burn the entire area and ruin the habitat for the endangered species and all other species because at least that did not permit the loggers to log big trees. That is right, it did not permit the cutting of any kind of trees.

What was the result? It burned the entire forest. So the entire ecosystem is now dead, and it will take literally hundreds of years to come back and produce those big, beautiful trees we all want to save.

It is a sorry state of affairs that we have not been able to achieve a result on this issue. I hoped we would have been able to do so. I hope my colleagues will not vote for cloture when that vote comes in the next 10 or 15 minutes.

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

Mr. KYL. Mr. President, I see no one else in the Chamber to yield time, so I ask unanimous consent to speak an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for an additional 5 minutes.

Mr. KYL. Mr. President, I will go on to explore this a little bit more.

One of the techniques of the opponents of what we propose is to say—we all agree with the management. I have not heard anybody say they disagree with this thinning and prescribed burning management technique, but they want it done in an area called the urban/wildland interface; that is to say, where the forest meets communities—summer homes, small towns, so on. We will thin an area a quarter of a mile, maybe half a mile, around these communities and structures and, therefore, save them from catastrophic wildfire; that ought to do the trick.

That will not do the trick. In the first place, it is a nice sentiment to try to save small communities and buildings, but that is only part of what we are about here. We are literally about saving the forests themselves, the entire ecosystem, the place where all the flora and fauna live and survive, where the endangered species live. Most of the endanger species do not live right on the edge of the communities.

Why would we not want to create a healthy environment for the endangered species and for the other flora and fauna in the forests? Why would we not want to treat in the middle of the forest rather than just along the roads, by the homes or small communities?

Of course, we want to save them from catastrophic wildfires, but the best way to do that is to treat the entire forest so the fires do not get a big momentum to roll into the communities.

We had the unfortunate experience with the Rodeo-Chediski fire this last summer where the fire was so large and burning so rapidly with such intense heat that it was skipping right over areas that had been treated. While it did not burn those areas, fortunately, because they had been treated, it went on to burn other parts of the forest.

It is no salvation necessarily that we treat a small perimeter around buildings or communities. That is not necessarily going to save them from fire. Even if it does, as I said, we still have not treated the rest of the forest, which is the whole object of returning health to the forest. That is why you cannot just limit this thinning project to the areas immediately surrounding communities. We will have done nothing to save the rest of the forest from insects, disease, mistletoe, and catastrophic wildfire that will destroy the trees and the habitat for the mammals, birds, insects, and the fish that live in the area we want to preserve. That is why it is no answer to say: Let's do treatment in the urban interface area.

There were also attempts to put limits on how many board feet of trees could be removed from these areas—250,000 board feet in an area, for example; I think up to 1 million board feet in an area that had burned. The board feet of timber calculated to exist in the Rodeo-Chediski burned area is 100 million board feet. What was offered was literally a drop in the bucket.

If we are going to salvage the timber that was burned, as the White Mountain Apache Tribe is permitted to do on its part of the forest that was burned, then we are going to have to have special relief because there is no time to do all the studies that are necessary if anybody files an appeal. If they do not file an appeal, then we can salvage that timber, just as the White Mountain Apache Tribe is doing. If someone files an appeal, there is no way to get to the timber before the insects get to it. That is the choice we have. That is why we were so anxious to get something done now instead of waiting.

As I said, it does not appear we have reached a consensus to do that, and that is too bad because as the editorial I just put in the RECORD points out, we do not have time to waste. We have to treat these forests now or they will be subject to burning next year, and, in any event, we will not be able to save them from the diseases that have infected many of the forests today.

If there are others to speak, I will be happy to relinquish the floor to them. In that regard, I suggest the absence of a quorum, but if no one appears thereafter for a minute or two, then I will reclaim the floor and speak some more.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I have checked with the Senator from West Virginia, who has indicated he does not wish to speak at this time, and therefore I will go ahead until one of our colleagues comes.

I want to tell a couple of stories about what I have personally observed in our forests, and it might be of interest to others who perhaps do not have these same kinds of trees in their States.

The country's largest ponderosa pine forest extends through the belt of Arizona that runs literally from the Grand Canyon all the way to New Mexico and then goes on into New Mexico. These trees look a little like the giant sequoias in California. They are not quite as big, but when they reach 300 or 400 years of maturity, they are very large, over 30 inches in diameter. They have a yellow bark with beautiful big canopies, much like the sequoias in California. These are the trees we are all trying to preserve.

I went to an area that was BLM land north of the Grand Canyon after Secretary Bruce Babbitt, then-Secretary of Interior, had authorized a thinning project for that area in the neighborhood of Mount Trumble. Secretary Babbitt was able to do this because, as Secretary of the Interior, he had control over the BLM land, and he basically ordered that it be done, which was a good thing, too, because this is an area with which he was familiar. He had gone hiking throughout the area many times. He knew how desperately the area was in need of this treatment.

So I went up there to see the work that was being done, and the BLM officer said: I have to show you this. Come look. And we drove to an area where it was just as thick as could be, with tiny trees about this size. There must have been thousands per acre. You could hardly wind your way through the forest. None of them was more than 15 or 20 feet high, if that. They were not very pretty. They precluded any grass from growing. There were no animals, obviously, that could wind their way through it. It was a pretty sterile environment, and they were obviously crowding out other kinds of trees that one would have preferred to see grow there.

We came to this huge ponderosa pine, one of the biggest trees I had ever seen other than a redwood or a sequoia. The boughs literally came all the way down to the ground. All around this tree was this brush, these little scrub trees—maybe as tall as I am, maybe a little bit higher—with trunks 3 or 4 inches around. It was literally a tinder box.

This BLM agent said: We have to clear this stuff away immediately. Any spark anywhere near here is going to set off a fire that is going to come all the way through. It is going to run right up the boughs of this tree and destroy this beautiful old tree.

He told me there were many more in this same area, and that is why we had to hurry up and get this area treated.

That is what we are trying to do. We are not going to cut that tree or any other trees that even approximate that size. The object is to clear out all the other stuff so these big beautiful trees can continue to grow in a healthy state, they will not have the competition for air and water and nutrients from all of these little trees, and there will then be grasses reintroduced, the animals can come up, as well as the birds and the butterflies.

All of the studies by Dr. Covington that I mentioned earlier have demonstrated that the species come back within a year. The pitch content of the trees is enhanced significantly, so they are impervious to the bark beetles. The protein content of the grass is increased by an order of magnitude, so the elk and the deer come back. When all of the little mammals come back, then the hawks and the eagles come back, the butterflies begin to pollinate, and all of a sudden there are hundreds of more species of flowers and weeds and grasses than there were before, and there is a park-like condition where there are far fewer trees per acre but it is to the carrying capacity of the land.

So there may only be 150 or 250 trees per acre at that point, but they are all beautiful trees that are going to be healthy and in an environment where the rest of the forests can survive as opposed to the kind of thing about which I was talking.

Now why would people object to doing that? I had a group of environmentalists come into my office, and I asked them: Don't you agree that this is the right science? And they finally said: Yes.

I then said: Why won't you do it?

They said: Well, you do have to have commercial companies come in and do this thinning; right?

I said: Yes, of course.

And they do have to make a profit; right?

And I said: Yes.

And they are not going to work for free. They have to make some money.

I said: You don't object to that, do you?

They said: No, but what we are worried about is that 25, 30, or 40 years after all of this is done and you have treated all of the forests that need to be treated this way, then they will turn their chain saws on the big trees because they will want to save their jobs and save their mills and stay in business, and that is what we are concerned about.

I was dumbfounded at the suggestion that that would actually happen. If all of us who want to save the forests are as concerned in 40 years as we are now—and there is no reason to believe we will not—none of that would ever be permitted to happen. This again falls into the ''cut off your nose to spite your face'' category. In order to achieve something good, we are going to have the potential of something bad occurring 40 years down the road, a potential that is so small that it is just unthinkable it would ever happen? But because of that little potential in their minds, they are going to prevent us from treating the patient now?

It seems very illogical. It is like saying we are not going to treat the patient's cancer now because the patient will live but eventually the patient is going to die; therefore, there is no point in treating the patient now.

It does not make sense to me, and that is why I think it is a shame we have not been able to reach some kind of agreement on the kind of plan we were talking about that would have limited the amount of acreage that would be treated. It would have limited it to those areas that are so-called class 3 areas, which are the ones most in need of treatment where the danger of catastrophic wildfire is the greatest. We are not even talking about the class 2 or class 1 areas, just class 3.

Within that, it would be further limited in the legislation we have been discussing. We were even willing to limit it to areas of municipal watersheds and urban interface as long as those were broadly enough defined to include the kind of forests we are talking about here, the part of the area that needs to be treated.

None of that was acceptable to those groups that do not want us to treat the forests. As a result, we are going to have another year pass, presumably, unless we are able to do something next spring, where we are subject to these catastrophic wildfires and the forest continues to deteriorate.

At what point, do we finally say, it is worth it to go in and treat these forests? Since there is not enough money in the world to pay AmeriCorps volunteers to go in and do this by one-half acre at a time, we have to have commercial enterprises that are able to go in and take out enough product that they can stay in business. That product can be very small diameter product. It can be poles for construction of cabins. It can be 2-by-4-sized timber. It can be the chipped product that makes fiberboard. In some cases, they may get to medium-sized trees that can actually produce some timber. But if so, why not? If the carrying capacity of the acre is such that some of the trees should be removed, even the so-called medium-sized maybe even 15 or 20 inches in diameter, why wouldn't one do that if what they were leaving were still the very large growth trees we are all talking about protecting?

Senator CRAIG made the offer that at least 10 of the biggest old-growth trees would have to be left. We can probably multiply that and say 100. The bottom line is, those are the trees we are trying to leave. So if the carrying capacity of the land will carry 100, 150, or 200 of those trees, that is how many would be left. Nobody is trying to cut the big beautiful trees down.

In the areas Senator DOMENICI and I represent, it is a dry enough condition in Arizona and New Mexico that we cannot stand many more summers of

drought before these forests are going to be all burned up. That is why we have been so disappointed at not being able to get into those forests now and begin this process of taking out the dead and dying timber and cutting out the small-diameter timber that is precluding the rest from growing.

I saw the treatment area we have been experimenting with in Arizona. I saw the results of this thinning, and the species that have come back are just amazing—the birds and the butterflies and the wildflowers. It is incredible what can be done if this is actually permitted to go forward, and so I hope there is a way to do it. I regret we have not been able to find that way yet.

I thank Senator CRAIG and Senator DOMENICI for their work, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I thank Senator KYL, Senator REID, and Senator CRAIG for commenting on the Domenici-Craig amendment, on which the Senator has joined from the very beginning.

I hope everyone will understand this is a very serious situation. We honestly believe there is a compromise that would work, that would prove that we can clean up parts of our forest without in any way damaging the so-called old forest trees, doing it in almost a manicured fashion so long as it is understood what was permitted to do.

It is imperative we send a signal to the American people, not all of whom are in the West. Those in America who saw the fires from a distance know something is wrong. They probably know it got in this condition over many years and will not be fixed tomorrow. They probably concluded we ought to try to fix it.

We are trying to have a year consistent with good rules and good solid approach to management so we can start this process so the users of the forest, and those who recreate, graze cattle, have forests in their backyard, all understand we can begin this cleanup process and move in the right direction so we can start a more major cleanup next year when we try to put new policies into effect to save the forests and not see them go up in flames.

Mr. CRAIG. Mr. President, I know the vote is pending. We all want to see the Interior appropriations bill move on. I have said to Senator REID what we normally do with a second-degree amendment is give it a vote. We certainly would like that vote on our amendment. We think it is appropriate. We think it is within the rules. It is a responsible way to dispose of this issue and move on. I hope we get to that vote. We think it is right. It is appropriate. It is within the rules.

It is important for the Congress and this Senate to speak to the issue of forest health and do so in some form. We think the amendment is adequate in that.

Mr. REID. Mr. President, the Senator from New Mexico is on his way and wishes to speak on this matter. The Senator from West Virginia has 22 minutes, and Senator WELLSTONE wishes to speak. We will see what happens.

In the meantime, 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. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I yield 3 minutes to the distinguished Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Mr. President, I appreciate my friend and colleague, Senator BYRD, yielding time.

I will speak briefly about the forests and the fire-thinning proposals and the fire-risk reduction proposals pending in the Senate. One amendment Senator CRAIG proposed is an amendment to the Byrd amendment to the bill. That certainly is a worthy proposal, in many respects. I don't agree with all aspects of it. I have offered an alternative that I think makes more sense. I am glad to go into the detail. I have done that once in the Senate, and I am glad to do it again.

Procedurally, people need to realize there is no reason we should be holding up action on this bill or on the Byrd amendment because of the issue of forest thinning. The forest-thinning proposal Senator CRAIG is offering can be offered as an amendment to the bill. My proposal can be offered as an amendment to the bill. We can get a good debate on those two proposals. I would hope we could come together around a single proposal. We have been working to do that. Either way, there is no reason going forward with the Byrd amendment should be in any way impeded by the need to resolve this forest-thinning issue. We can resolve the forest thinning issue on separate amendments and have the debate appropriate to that.

I believe on the merits what I proposed is a better way to go as an amendment to an appropriations bill because it does not make major changes in the underlying law. It does not make major changes in the authority for Federal courts. For that reason, I hope when we do get to a vote on forest-thinning proposals I will have a chance to persuade my colleagues.

Mr. REID. Will the Senator yield?

Mr. BINGAMAN. I am happy to yield.

Mr. REID. It is also my understanding that under the procedures now before the Senate—regarding the drought assistance measure, which passed by 79 votes—if this vote does not go, that money that we voted to approve for the farms is gone for those who are desperate for the money all over the country; is that true?

Mr. BINGAMAN. Mr. President, in response, I agree entirely with the Senator from Nevada. It is very important to Senators on both sides of the aisle for the drought relief assistance to be made available in short order. I hope very much we can move ahead with that.

We can also do this forest thinning issue. I am not suggesting we complete action on this bill absent completion on the forest thinning, but we can do separate amendments. Senator CRAIG can offer his amendment to the bill; I can offer my amendment to the bill. We can have a good debate. Hopefully, we can persuade the Senate on a proposal that makes good sense for everyone and gets the job done.

Mr. REID. Senator WELLSTONE is actually on the subway on his way over.

Mr. DOMENICI. Would the Senator permit me to ask Senator BINGAMAN a question?

Mr. BYRD. Mr. President, I yield 1 minute to each Senator for that purpose.

Mr. DOMENICI. I wanted to exchange a couple of points with my colleague. I don't know if the Senator had a chance today to read the Santa Fe, NM, editorial about thinning forests.

Mr. BINGAMAN. I did not read that.

Mr. DOMENICI. In this very short time I will try to paraphrase it. They were talking about what a wonderful event it will be for the Santa Fe watershed—which the Senator and I have seen a number of times—when we get around to cleaning it and then thinning it, so that if water or fire would fall on the upper watershed, it would not do violence to the water, which is the long-term lifeblood for the city. I just wondered if the Senator might recognize that when we are finished tonight, if in fact the amendments are no longer in order, or if they are in order, that we will still be left with an issue of whether watersheds are going to be included in this new approach? And, if so, how much of a watershed—how much of that watershed can be done in Western States? Isn't that one of the issues remaining?

Mr. BINGAMAN. In response to my friend and colleague from New Mexico, I agree with him that it is an extremely important part of the issue, as to the thinning debate, what additional authority we provide to the Forest Service to accomplish thinning within watersheds. I have a proposal which I have shown to my colleague that I believe provides ample authority, particularly in the Santa Fe watershed, for them to do everything they would like to do there. I think the earlier proposal Senator CRAIG has will do that same thing, in fact do quite a bit more.

Mr. DOMENICI. Right.

Mr. BINGAMAN. I think it is an important issue for us to get resolved, but I think both proposals do the job with regard to the specific issue that the Senator has raised.

Mr. DOMENICI. I thank the Senator for yielding the minute. I assume I have 10 seconds left.

Mr. BYRD. I don't like to yield 10 seconds. I yield the Senator an additional minute. Does this Senator wish additional time?

Mr. BINGAMAN. No, thank you.

Mr. DOMENICI. I say to my friend, I hope after this vote, before we finalize this, we might one more time sit and look at this. I think we have narrowed the issue that is most in our minds to be resolved.

I understand you have a proposal in good faith. We have one in good faith. Somehow or another it is assumed by both sides that theirs each will do what will help solve this problem. If we had a little more time, if you could meet with us, it would be greatly appreciated.

I thank Senator BYRD.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE addressed the Chair.

Mr. BYRD. Mr. President, how much time does the distinguished Senator wish me to yield to him?

Mr. WELLSTONE. I say to my colleague, less than 5 minutes.

Mr. BYRD. Do I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, this is really an amendment that has everything in the world to do with whether or not a lot of people in northwestern Minnesota are going to go under economically or not. We had 79 votes to provide this disaster assistance. For northwest Minnesota, this will probably be about $300 million.

There are some who say the administration has shown they understand it is a serious problem because they are going to commit $850 million for drought relief. First, this is a 50 cent fix to a million dollar problem. Second, I don't think taking this small amount of money out of the School Lunch Program and helping people for a couple of weeks is the answer to what has happened around our country—be it fire or be it floods or be it drought.

I was up in northwest Minnesota on Friday. I do not know how I can continue to go back up there and explain to people how it can be that week after week this is being blocked. As far as I am concerned, we can have up-or-down votes on all these amendments. That is my own view. But I say to my colleagues, I implore them, I beg you, let's break this traffic jam and let's have the votes and let's move this forward.

Really, time is not neutral for so many of the independent producers and the farmers in northwest Minnesota. The FEMA assistance has been great, but it is not going to help them. There has been massive damage to cropland. Crop insurance comes nowhere near covering it. We have had this ridiculous debate about how it is going to come out of the farm programs. It is not going to happen. CBO won't score it that way. But close to $6 billion nationally will not be additional money we are going to spend on the farm program because prices are up. But for the farmers in northwest Minnesota and the producers in northwest Minnesota, they have no production.

For me as a Senator, this is the priority. It is just impossible to meet with people—without sounding melodramatic—to just look at their eyes and know what they are going through and explain how, once again, this is being blocked or filibustered. I know we are not going to win on this vote, but I urge colleagues to please vote for cloture. It would make a huge difference to a lot of really honest, hard-working, salt of the Earth people in northwest Minnesota.

I yield the floor.

Mr. REID. Mr. President, with the consent of the managers, I ask the time be yielded back so we can vote.

Mr. BYRD. I yield my time remaining.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the question is on agreeing to the motion to table amendment No. 4522. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Aye''.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

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

The result was announced—yeas 80, nays 15, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—80

Akaka	Bond	Campbell
Allard	Boxer	Cantwell
Allen	Breaux	Carper
Bayh	Brownback	Chafee
Bennett	Bunning	Clinton
Biden	Burns	Cochran
Bingaman	Byrd	Collins
Conrad	Harkin	Roberts
Craig	Hatch	Rockefeller
Crapo	Hollings	Santorum
Daschle	Hutchison	Sarbanes
Dayton	Inouye	Schumer
DeWine	Johnson	Shelby
Domenici	Kennedy	Smith (NH)
Dorgan	Kohl	Smith (OR)
Durbin	Leahy	Snowe
Edwards	Levin	Specter
Enzi	Lincoln	Stabenow
Feingold	Lott	Stevens
Feinstein	McCain	Thomas
Fitzgerald	McConnell	Thompson
Frist	Mikulski	Thurmond
Graham	Miller	Voinovich
Gramm	Murray	Warner
Grassley	Nelson (FL)	Wellstone
Gregg	Nelson (NE)	Wyden
Hagel	Reed	

NAYS—15

Carnahan	Helms	Lieberman
Cleland	Inhofe	Lugar
Corzine	Jeffords	Nickles
Dodd	Kyl	Reid
Ensign	Landrieu	Sessions

NOT VOTING—5

Baucus	Kerry	Torricelli
Hutchinson	Murkowski	

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator BYRD's amendment No. 4480.

Joseph Lieberman, Harry Reid, Jean Carnahan, Daniel K. Inouye, Christopher Dodd, Herb Kohl, Jack Reed, Richard J. Durbin, Kent Conrad, Paul Wellstone, Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Jim Jeffords, Robert Torricelli.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Department of Interior and Related Agencies Appropriations Act, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI), are necessary absent.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

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

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—49

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

NAYS—46

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

NOT VOTING—5

Baucus	Kerry	Torricelli
Hutchinson	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Byrd amendment No. 4644 (to amendment No. 4471) to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the directorates of the Department.

Lieberman/McCain amendment No. 4694 (to amendment No. 4471) to establish the National Commission on Terrorist Attacks Upon the United States.

The PRESIDING OFFICER. The Senator from Nevada.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, the Homeland Security bill.

Debbie Stabenow, Harry Reid, Charles Schumer, Evan Bayh, Mark Dayton, Jeff Sessions, John Edwards, Jim Jeffords, Joseph Lieberman, Bill Nelson of Florida, Blanche L. Lincoln, Byron L. Dorgan, Jack Reed, Patrick Leahy, Robert C. Byrd, Mary Landrieu, Max Baucus.

Mr. LEAHY. Mr. President, I note my objection to Hatch amendment No. 4693 on cybersecurity to amendment No. 4471.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with Senator LIEBERMAN. He has indicated to me there is no business to conduct tonight on this bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 7:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the exception of Senator LOTT, who has indicated to me he wishes to speak, and he should be able to speak for whatever time he desires.

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

CONFERENCE REPORT ON H.R. 3009

Mr. GRAHAM. Mr. President, I rise today to express my full support for the conference report on H.R. 3009, the Andean Trade Preference Expansion Act, which was passed by Congress and signed by the President just prior to the August recess. I was unable to come to the floor during the consideration of the conference report, but I wanted to take this opportunity to express my views on this important legislation.

H.R. 3009 was by far the most comprehensive trade legislation to come before Congress in fourteen years. By passing this bill, we accomplished four key goals: granting the President Trade Promotion Authority for the first time in 8 years; dramatically enhancing Trade Adjustment Assistance for displaced workers; renewing and expanding the Andean Trade Preference Act to provide legitimate export opportunities to Bolivia, Colombia, Ecuador and Peru, and; extending for 5 years the Generalized System of Preferences providing tariff cuts for over 100 developing countries.

I support all four of these goals, and I voted enthusiastically in favor of this bill. I am particularly pleased that the enhancement of the Andean Trade Preference Act is the underlying bill for this important legislation. This issue has been of great personal importance to me.

When the Senate was considering its version of Andean legislation in May, we heard time and again about the success of new, legitimate, exports from the region like cut flowers and asparagus.

Since December 4 of last year, when the original ATPA legislation expired, these and many other legitimate exports from the region have been subjected to substantially higher tariffs. These higher tariffs hit the fresh cut flower sector particularly hard as higher tariffs impacted peak sales periods for the Valentine's Day and Mother's Day holidays.

This legislation will return trade benefits to all of those products previously covered by ATPA and, most importantly, this legislation has been made retroactive to December 4, so that any duties that were paid during the lapse of ATPA will be refunded.

I am pleased that the conference report is not simply a renewal of ATPA, but includes enhanced benefits for new products. Times, and our trade policy in the region, have changed since 1991 when the original ATPA legislation passed. Most notably, the passage in 2000 of the Caribbean Basin Trade Partnership Act provided enhanced trade benefits to Caribbean countries, but inadvertently disadvantaged imports from the Andean region.

Nowhere else was this more critical than in apparel assembly where some 100,000 jobs in Colombia alone were at risk of being relocated to CBI countries. Under the enhanced ATPA program in the conference report, the Andean countries will now be competitive suppliers in the region. And this new ATPA benefit will also benefit U.S. producers of textile, yarn and cotton by making these U.S.-produced components more competitive with Asian goods. In fact, the U.S. apparel importers predict that the ATPA provisions in this bill will lead to over $1 billion in new orders. The next time ATPA is debated in this chamber, I look forward to hearing floor statements that show that this projection has come true. I also hope to hear of new successes from increased exports in footwear, watches, tuna, and other new products afforded ATPA benefits under this legislation.

Enhanced trade benefits in the apparel sector should, in my view, be the new norm in the Western Hemisphere. I continue to be concerned about the demise of the Multi-Fiber Agreement in 2005 and the effect the end of this agreement will have on U.S.-Caribbean and Andean apparel assembly partnerships. If we want a competitive apparel industry in the Western Hemisphere post-2005, we must be developing greater efficiency in the region now.

Secretary of Commerce Don Evans has been leading this effort for the Administration, and the Commerce Department has developed a Western Hemisphere action plan to enhance post-2005 competitiveness in the region. I will be writing to Mr. Evans shortly to encourage a similar initiative for the Andean region.

I also want to say a few words about two other key parts of this trade bill—Trade Promotion Authority and Trade Adjustment Assistance. It has been eight long years since Trade Promotion

Authority expired. In my view, that is far too long for the United States to be sitting on the sidelines while other countries are aggressively negotiating trade agreements. With Trade Promotion Authority, the Congress and the President will be speaking with a unified voice during negotiations.

TPA will strengthen the United States' negotiating position in ongoing Doha Round of negotiations in the World Trade Organization and will provide much needed momentum for the Free Trade Area of the Americas negotiations. With TPA, USTR will be able to close negotiations on bilateral agreements with Chile and Singapore with the confidence that Congress will consider the agreements as negotiated.

I am pleased that the conference report retained a number of provisions that will help to ensure that import-sensitive agriculture products, such as citrus from my state, will be given an increased level of attention during trade negotiations. I believe these provision are necessary to help rebuild consensus in support of trade within the agriculture sector. TPA can also help our citrus growers gain market access in Europe and elsewhere around the world, if we achieve our goals in the WTO agriculture negotiations.

Of course, TPA is only the first step toward trade negotiations. Whether or not we are successful in achieving our negotiating objectives will depend on close cooperation between the Congress and the administration. I look forward to working with the Administration on this effort.

The final comment I will make is on Trade Adjustment Assistance. I am pleased that Members of Congress were able to work together in a truly bipartisan fashion to address the health care needs of American workers adversely affected by foreign trade agreements. This trade legislation will nearly triple the existing Trade Adjustment Assistance program by providing new and more comprehensive coverage options. These new benefits will provide critical assistance to the over 2,000 Floridians who presently receive Trade Adjustment Assistance, particularly those from the apparel and electronics sectors where job losses have been most severe.

For the first time, displaced workers will be eligible for a 65 percent advanceable, refundable tax credit that can be used to pay for COBRA or other state continuation plans. Health benefits will also be available to individuals who work for businesses that supply or contract with firms affected by trade. This comprehensive legislation represents a critical step towards our overall goal of lowering the number of uninsured, and I applaud my colleagues who supported it.

I was pleased to vote for the comprehensive trade legislation encompassed by H.R. 3009. Passage of this bill was a major accomplishment of this Congress and proof that the Congress can work together in a spirit of bipartisanship. I am excited about the opportunities I believe this legislation brings to not only our country, but to the rest of the world.

THE VISIT OF ASKAR AKAEV, PRESIDENT OF THE KYRGYZ REPUBLIC

Mr. THURMOND. Mr. President, I rise today to recognize the visit of the President of the Kyrgyz Republic, Askar Akaev, to the United States from September 19–24, 2002. President Akaev is here at the invitation of President Bush.

While in Washington, the President of the Kyrgyz Republic scheduled meetings with President George W. Bush, Vice President RICHARD CHENEY, Secretary of State Colin Powell, and Secretary of Agriculture Ann Veneman. In addition, meetings at the United States Capitol with the Speaker of the House of Representatives DENNIS HASTERT, Senate Republican Leader TRENT LOTT, and other leaders of the Senate who have expressed an interest in Central Asia affairs were on his calendar.

During his visit to New York, President Akaev addressed the General Assembly of the United Nations and met with Secretary General Kofi Annan. He also participated in a round table discussion with members of the business community.

The tragic events of September 11, 2001 redefined the importance of the Kyrgyz Republic's critical location in Central Asia. It has a major role in the region's political and security framework. As an ally of the United States in central Asia, the Kyrgyz Republic opened its territory to approximately 3000 coalition troops at the height of United States operations in Afghanistan. It is significant that the coalition forces were allowed to deploy military personnel in Manas airport in the capitol city of Bishkek. Kyrgyzstan remains a host to a significant number of troops, as well as aircraft and technical support. The new political landscape created by these deployments has altered the Kyrgyz Republic's relations with its regional powers, Russia and China.

At the same time, the Kyrgyz Republic is pressing ahead with economic reforms. The European Bank for Reconstruction and Development, one of the international financial institutions active in the region, concluded last year that Kyrgyzstan has successfully completed its economic structural reform program. Kyrgyzstan was the region's first nation to secure membership in the World Trade Organization, in 1998, and the first nation of the Commonwealth of Independent States to receive permanent normal trade relations with the United States.

Kyrgyzstan has committed itself to a free trade model and has implemented many new initiatives through a dramatic reform of its trade, tax, and intellectual property laws. The Kyrgyz Republic was also the first country in the region to introduce a fully convertible currency, and has consistently led the way in market reforms.

As a result of the tragedy on the south of Kyrgyzstan, he has also reconstituted the government to include representatives of several groups previously in opposition and has organized a Constitutional Council, also filled with opposition-minded figures, to provide further opportunities for power changing. The nation now faces its first transition of power since independence. President Akaev and his government are determined to see that this transition occurs through an election process that builds and legitimizes democratic institutions.

President Askar Akaev was born on November 10, 1944 in the village of Kyzyl-Bairak, Kemin district of Kyrgyzstan in a family of farmers. In 1961, he finished secondary school with a Gold Medal. He graduated with honors from Leningrad Fine Mechanics and Optics Institute in 1967 and pursued his studies to become a Doctor of Science.

Dr. Akaev started his career in 1961 as a mechanic worker. He held other positions as an engineer, senior lecturer, professor, and finally the Head of the Computer Sciences Department in Frunze Polytechnical Institute, now Bishkek Technical University.

In 1984, Askar Akaev was elected a correspondent member of the Academy of Sciences of Kyrgyzstan, at the same year he became an academician. In 1986, he was appointed Head of the Department of Science and Higher Academic Institutions, Kyrgyz Communist Party's Central Committee. From 1987 until 1989, he served as the Vice President at the Kyrgyz Academy of Sciences and later became its President. In 1989, Askar Akaev was elected as a Deputy of the Supreme Council of the USSR.

On October 27, 1990, the Parliament of Kyrgyzstan elected Askar Akaev as the President of the Kyrgyz Soviet Socialist Republic. At the nationwide elections on October 12, 1991, he was elected as the First President of independent nation of Kyrgyzstan. The people of Kyrgyzstan confirmed Akaev's powers at the national referendum on January 30, 1994. On December 24, 1995 the President of the Kyrgyz Republic Askar Akaev was re-elected. President Akaev announced that he will not seek reelection when his term ends in 2005.

The President's spouse, Mairam Akeva, is a professor of Science on Machine Dynamics and is the head of the International Charitable Foundation of Childhood and Maternity Support. Established in 1993, this organization assists women and children with different forms of pulmonary and bronchial diseases.

The Kyrgyz Republic is situated in the middle of Central Asia, at the crossroads of culture and civilizations, at the branch of the legendary Silk Road. In 1999, President Akaev authored a report called ''The Diplomacy

of the Silk Road.'' His article remains timely today, given the changes that have taken place in central Asia since September 11, 2001.

In conclusion, many commodities were traded on the Silk Road which stretched 5000 miles from east to west. One very important ''commodity'' in this new century is friendship. Today, the United States has a good ally and friend in that region of the world. Kyrgyzstan is indeed a partner for peace and stability in Central Asia. In this regard, I wish to congratulate President Akaev on his successful visit to the United States and wish him well with all future endeavors.

I ask unanimous consent to print the article to which I referred in the RECORD.

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

DIPLOMACY OF THE SILK ROAD

(By Askar Akaev)

THE PAST AND PRESENT OF THE GREAT SILK ROAD

The Great Silk Road, which in ancient times joined East with West, and to some extent North with South, by means of trade and economic, cultural-humanitarian and also political and diplomatic ties, has a history stretching back several thousand years. At various phases of its existence the content and significance, directions and scale of contacts varied, but one thing remained unchanged: throughout that long period, the Great Silk Road played the role of a connecting bridge between countries and civilizations.

It served as a channel for trade, which became the catalyst for the development of crafts. Travelers and explorers studied the countries and peoples of the lands along the entire length of the Road, thus making an enormous contribution to the development of knowledge.

The world became acquainted with the ideas and work of the greatest philosophers, scholars and statesmen. Intensive mutual enrichment of cultures took place, and there was an active exchange of knowledge and of spiritual and philosophical concepts and views. Thanks to the Road, outstanding epics and legends became the property of all mankind.

Via the Great Silk Road, syncretic and monotheistic religious ideas were disseminated. Zoroastrianism, Buddhism, Judaism, Islam and Christianity all found their adherents along the Great Silk Road.

The Great Silk Road was also of immeasurable significance in the establishment and maintenance of diplomatic relations among the centers of political life, the major States of Europe and Asia. Many historical sources bear witness to the active nature and high level of official contacts and the exchange of diplomatic missions, particularly between Byzantium and China, powers which played a significant role in the International life of that era.

The intensive and multidirectional process of Inter-civilizational communication on various levels went on for centuries.

Despite a number of changes of direction, by the will of historical fate the main arteries of the Great Silk Road passed through the territory of Kyrgyzstan.

On the eve of the new third millennium, the idea of a revival of the Great Silk Road has met with broad international support and an extremely warm response, largely as a result of the existence of two interdependent trends that characterize the development of the modern world.

The first of these involves the steady intensification of the processes of interdependence and globalization, the phenomenally rapid development and introduction of the latest technologies, communication systems and computer networks and the acceleration on an unprecedented scale of information and capital flows that ''erode'' national boundaries.

The second trend reflects the high level of integration at the regional and subregional levels.

The current steady and dynamic development of political, trade and economic relations would be unthinkable without the strengthening of fraternal, trusting and mutually advantageous relations of partnership between all States of the Silk Road region.

The geography of the Great Silk Road has no bounds or limitations. Its expansion by those countries which intend to develop cooperation with the countries in the Great Silk Road region is naturally and objectively determined by the entire course of historical development.

The arms race, local conflicts, extremism and terrorism, the unlawful manufacture, distribution and consumption of narcotic substances, natural disasters and those brought about by technology or by man, and crying social needs are problems that lead to recognition of the natural and objective need for a revival of the Great Silk Road on a qualitatively new basis.

While in the past the Great Silk Road played the role of a connecting bridge, now, in a situation of globalization, the destiny of the Road extends far beyond the framework of this dimension alone. The cosmic and the planetary appear as a single whole, implying an organic combination of present-day progress with the development of human civilization itself.

The renaissance of the Great Silk Road under the new historical circumstances refutes the ideas that were current in the past, which at times artificially contrasted the ways in which the East and the West perceived and viewed the world as totally incompatible with one another. Fortunately, ideas of planet-wide significance and scale are now predominant in the minds and hearts of the peoples, inhabiting the region of the Road.

The ideas of humanism, tolerance and the revival of spirituality are gaining ground in their tenacious struggle against age-old prejudices and intolerance of different ways of thinking.

Kyrgyzstan, lying at the very center of the Eurasian continent, at the junction of several civilizations, having taken in and absorbed a multiplicity of cultures and ways of looking at the world, possesses under present circumstances the necessary prerequisites for becoming a bridge of friendship and cooperation between all the countries within the Great Silk Road.

KYRGYZSTAN—AN INSEPARABLE PART OF THE GREAT SILK ROAD THE COUNTRY KNOWN AS ''KYRGYZSTAN''

After regaining its State independence, Kyrgyzstan set out on, a qualitatively new road of its development, the road of political and socio-economic transformations.

Such concepts as ''democratization'', ''civil freedoms'' and ''supremacy of the law'' have become firmly embedded in everyday practice. The principle of separation of powers and the system of ''checks and balances'' in the interrelations between them have clearly demonstrated their effectiveness.

Favourable conditions have been created for encouraging initiatives and activity by citizens at the local level and for the comprehensive development of local self-government as the foundation for the life of the State.

The idea of ''Kyrgyzstan—our common home'' has become the recognized basis for enhancing and strengthening inter-ethnic harmony and creating the conditions for a life in dignity for all citizens of the country. In Kyrgyzstan, which has absorbed in equal measure the spiritual heritage and rich traditions of the East and the West, representatives of many ethnic groups and religious faiths live together in peace and harmony.

Kyrgyzstan has created the conditions for the establishment of an open society with a developed market economy, successfully solved the problem of macroeconomic stabilization and entered the stage of economic growth.

A national information structure is being created in Kyrgyzstan with access to worldwide computer networks.

Currently, the most important goals facing society as a whole are to intensify the positive trends in the economy and make them stable, to encourage and support national entrepreneurship, especially on the part of small and medium-sized businesses, to attract direct investment and to make extensive use of new technology.

An attractive investment climate has been created in Kyrgyzstan, and a legislative base has been established which affords foreign investors the necessary guarantees and privileges.

The stable political system and the open and democratic nature of Kyrgyzstan's economy create favorable conditions for the development of mutually advantageous international cooperation.

Kyrgyzstan has entered the era of democracy and renewal.

KYRGYZSTAN AND THE COUNTRIES OF THE GREAT SILK ROAD REGION

The conception of Kyrgyzstan's foreign policy with regard to bilateral cooperation excludes in principle the use of the prefix ''anti-''. This is the outcome of the entire course of Kyrgyzstan's historical development as an independent State and of the fact that our country pursues a peace-loving foreign policy and builds its relations with the outside world on the basis of the universally accepted principles and norms of international law.

Kyrgyzstan, as a consistent advocate of broad and multifaceted international cooperation for the joint solution of global international problems, takes up ''anti-drug'', ''anti-extremism'' and ''anti-terrorism'' positions. It is an implacable opponent of unlawful arms trading and distribution of arms and strives to achieve stability, progress and economic stability not only in the region, but throughout the world.

Our country is deeply convinced that along the entire length of the modern-day Great Silk Road, no serious problems or contradictions of an antagonistic nature are to be found between the countries falling within its orbit.

Among the participants in international relations, awareness is growing of the need to resolve chronic problems by peaceful means, at the negotiating table. In this connection, the example of Tajikistan, whose history is inseparable from the history of the Great Silk Road, is instructive. The political will and desire to seek compromise and mutually acceptable solutions that have been demonstrated by the leaders of the parties that were previously in conflict, combined with the mediating efforts and good will of neighbouring countries, including Kyrgyzstan, give grounds for hoping that the processes of peace and national reconciliation in that country are irreversible.

Kyrgyzstan's initiative in relation to the conduct of a peace conference on Afghanistan has been widely acknowledged. The joint efforts and cooperation of all the countries falling within the orbit of the Great Silk Road can and must lead to the long-awaited peace in that long-suffering land and turn forever a somber page in the history of the region.

The creation of a nuclear-weapon-free zone in Central Asia, cessation of the arms race and the conversion of military production, and the creation of conditions for the stable development of all countries of the Great Silk Road without exception afford grounds for assuming that at the beginning of the third millennium the region of the Road, which possesses vast potential and resources, will become one of the most flourishing and prosperous in the world, in that problems affecting the interests of all the countries will be resolved jointly and all obstacles to the free movement of goods, capital, services and manpower along the entire length of the Road will be removed.

Kyrgyzstan is making purposeful efforts to develop cooperation with all the countries of the Great Silk Road region. In view of its geographical location, our country has a favorable opportunity of simultaneously developing fruitful relations in such directions as ''Kyrgyzstan—neighbouring countries'', ''Kyrgyzstan—Europe'' and ''Kyrgyzstan—East and South-East Asia''.

''Kyrgyzstan—neighbouring countries''—our country is working steadily to intensify various forms of cooperation with neighbouring countries and to expand political, trade and economic and cultural and humanitarian relations. The existence of common historical, political, economic and cultural and humanitarian links with countries which in the past formed a single whole necessitates the maintenance and development of relations through bilateral and multilateral cooperation. Kyrgyzstan is attentively following the dynamics of and collectively participating in the multilateral integration processes in countries of the Commonwealth of Independent States, and making its contribution to the strengthening and intensification of regional and subregional integration.

Acknowledging the important role of a favorable external environment for subsequent development. Kyrgyzstan is working consistently and fruitfully to strengthen security along the State borders with all neighbouring countries. Together with other countries of the region, it has signed a number of important agreements aimed at strengthening confidence-building measures in the military sphere and reducing the armed forces in the border region, and this has made it possible to settle almost completely the border disputes that still remain from the past.

Kyrgyzstan is geographically and historically close to the Muslim States of the Great Silk Road region, which possess considerable investment, industrial and raw material potential.

''Kyrgyzstan—Europe''—The significance of this direction for Kyrgyzstan is determined by the following main factors: the need for and benefits of cooperation with developed European countries; the desirability of further developing links with the Eastern European States; and participation in the European affairs of the states bordering on Kyrgyzstan. In developing its relations with European countries, Kyrgyzstan will, alongside efforts on the bilateral level, step up its activity in the field of multilateral diplomacy, taking advantage of the unique opportunity to participate in the work of the European institutions dealing with issues of security (including in the Central Asian region), economic cooperation and the development of democratic institutions.

''Kyrgyzstan—South and South-East Asia''—Kyrgyzstan's cooperation with the countries of East and South-East Asia is conducted both on the bilateral level and through international organizations. Despite the financial and economic difficulties some Asian countries have recently been experiencing, their economic potential will play a growing role in the international arena.

Taking into account the South-East Asia countries' great wealth of experience of activity, Kyrgyzstan will in future show great interest in participating actively in various regional forums of the Association of South-East Asian Nations, and also in the establishment of cooperation on a regional basis.

States are prompted by their national interests, set in the context of geostrategic and geopolitical realities. In this connection, Kyrgyzstan can succeed in developing relations with all the countries of the Great Silk Road region, bearing in mind the following factors:

(a) In terms of economic indicators, Kyrgyzstan falls into the category of ''developing countries'' as used in international practice. This enables it to be a full participant in the leading organs of multilateral diplomacy of the countries of the South and defend their international economic and political interests collectively;

(b) Kyrgyzstan, as a country with a transition economy, is entitled to count on the cooperation of the developed countries and international financial and economic organizations in conducting its policy of reforms;

(c) Kyrgyzstan also forms part of the group of land-locked countries. Located at the very center of East-West and North-South transport and communication routes, it feels a natural need to link up with modem communication systems and ensure reliable access to maritime transport, and is also aware of the objective need to become a transit country. It is therefore working actively to develop all forms of communications, in particular transport and information, in the interests of all the Great Silk Road countries.

PRINCIPLES OF COOPERATION AND ESTABLISHMENT OF THE BASIS FOR RELATIONS WITH THE GREAT SILK ROAD COUNTRIES

The conduct of the ''Great Silk Road'' policy is based on the following principles:

Equitable partnership, friendship and cooperation with:

All Great Silk Road countries;

Interdependence;

Mutual advantage;

The long-term perspective;

Multifaceted development of international cooperation.

Equitable partnership, friendship and cooperation with all Great Silk Road countries are the most important components of a principle which is objective and universal in nature, relating equally to the hopes and aspirations of any country interested in creating a favorable environment along its national borders and in the content of bilateral and multilateral diplomacy. This principle is in full conformity with the universally acknowledged principles and norms of international law as laid down in, the Charter of the United Nations, including mutual respect for sovereignty, territorial integrity and inviolability of borders, non-interference in internal affairs, non-use of force, settlement of conflicts by peaceful means and equal and mutually advantageous cooperation.

Interdependence has become a completely new phenomenon of the end of the twentieth century. Globalization has led to an awareness of the unarguable fact that no country, however powerful it may be in military and economic terms, can face alone the challenges that call in question the survival of the whole of mankind.

The principle of mutual advantage is sufficiently obvious. The development of mutually advantageous international cooperation within the Great Silk Road region will allow all countries without exception to find answers to many questions and solve the problems they are at present contending with. The countries of the region are actively striving to create new and diversify existing transportation systems so as to ensure the shortest and best means of access to world communications; they are encouraging and developing international trade, both within the region and outside it; and they are intensifying and stepping up cultural and humanitarian, scientific and educational and tourism contacts between the nationals of all the countries of the region.

The principle of the long-term perspective is inseparably interrelated with the preceding principle. The entire historical experience of the development both of the Great Silk Road itself and of the countries drawn into its orbit over the course of many centuries, has convincingly demonstrated the importance of and vital need for the development of inter-State relations that address the long-term perspective.

Multifaceted development of international cooperation is a necessary condition for the creation of favorable prerequisites and possibilities for the conduct of a balanced, flexible and maneuverable policy on the international arena; it corresponds to Kyrgyzstan's long-term national interests and is determined by the entire complex of problems and issues that need to be solved in the future.

PROSPECTS FOR THE APPLICATION OF THE ''GREAT SILK ROAD'' FOREIGN POLICY CONCEPT

The application of ''Great Silk Road'' diplomacy will have favorable long-term consequences for Kyrgyzstan and for all the other countries located in the Great Silk Road region.

The revival of the Great Silk Road at this juncture will make it possible to create all the necessary conditions for the transformation of the region into an area of stability, security, friendship, cooperation and equitable partnership.

The present-day Great Silk Road creates favorable prerequisites for the intensification of international cooperation in the joint solution of the global problems facing mankind on the threshold of the third millennium.

The expansion of the geography of the Great Silk Road will make it possible to make fuller use of the existing opportunities and rich potential for intensifying international trade and economic, cultural and humanitarian, scientific and technical and tourist contacts between all countries and peoples. There are sufficient grounds for thinking that all the Great Silk Road countries will make the maximum efforts to ensure that in the new millennium there emerge from the Road region, which constitutes a vast space crossing the entire Eurasian continent from East to West and uniting a diversity of cultures, traditions and historical fates, only positive impulses of solidarity, peace, progress and prosperity.

Kyrgyzstan is ready and able to act as a binding link between all the Great Silk Road countries.

For Kyrgyzstan, the interests and objectives of its foreign policy consist in ensuring to the fullest possible extent the strengthening, by political and diplomatic means, of international guarantees of its independence, sovereignty, economic self-sufficiency and territorial integrity.

To achieve these goals and objectives, Kyrgyzstan is full of resolve and will to comprehensively encourage and develop friendly, good-neighbourly relations of partnership with all the countries of the Great Silk Road region and to participate consistently and concretely in integration processes.—Askar Akaev, President of Kyrgyzstan.

DECISION ON IRAQ

Mr. KYL. Mr. President, I want to have printed in the RECORD an op-ed by columnist Charles Krauthammer discussing the United Nations and its debate over how to deal with Iraq. Mr. Krauthammer makes the point that nations are driven by their own self-interests; thus, members of the U.N. Security Council—such as France, Russia, and China—all have varied perspectives on a potential confrontation with Iraq.

He argues that it is not ''unseemly'' for the United States to similarly act in the name of its own interests. And that it is, in his words, an ''absurdity'' to suggest that the U.S. is suddenly granted ''moral legitimacy'' by U.N. Security Council approval for its actions, since the Security Council itself is composed of member states acting in their own self interests.

I ask unanimous consent the op-ed by Mr. Krauthammer be printed in the RECORD.

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

IS THIS THE WAY TO DECIDE ON IRAQ?

(By Charles Krauthammer)

There is something deeply deranged about the Iraq debate.

The vice president, followed by the administration A Team and echoing the president, argues that we must remove from power an irrational dictator who has a history of aggression and mass murder, is driven by hatred of America and is developing weapons of mass destruction that could kill millions of Americans in a day. The Democrats respond with public skepticism, a raised eyebrow and the charge that the administration has yet to ''make the case.''

Then on Sept. 12, the president goes to the United Nations and argues that this same dictator must be brought to heel to vindicate some Security Council resolutions and thus rescue the United Nations from irrelevance. The Democrats swoon. ''Great speech,'' they say. ''Why didn't you say that in the first place? Count us in.''

When the case for war is made purely in terms of American national interest—in terms of the safety, security and very lives of American citizens—chins are pulled as the Democrats think it over. But when the case is the abstraction of being the good international citizen and strengthening the House of Kofi, the Democrats are ready to parachute into Baghdad.

This hierarchy of values is bizarre but not new. Liberal internationalism—the foreign policy school of the modern Democratic Party (and of American liberalism more generally)—is deeply suspicious of actions taken for reasons of naked interest. After all, this is the party that in the last decade voted overwhelmingly against the Persian Gulf War, where vital American interests were at stake (among them, keeping the world's largest reservoir of oil out of the hands of a hostile dictator), while supporting humanitarian military interventions in Somalia, Haiti, Bosnia and Kosovo, places with only the remotest connection to American security interests.

This is all sweet and nice. And highly, flatteringly moral. But is this the way to decide when to risk the lives of brave young Americans?

This fawning over the president's rescue-the-U.N. rationale is not just sentimental, it is illogical. Assume—big assumption—that the United Nations does act and passes a resolution magnanimously allowing Americans to fight and die in Iraq. How does that rescue the United Nations from irrelevance? Under a feckless U.S. administration that allowed things to drift, the United Nations sat on its hands through the 1990s and did nothing. If not for this American president who threatens to invade on his own if he has to, the United Nations would still be doing nothing. The United Nations is irrelevant one way or the other. It is acting now only because of American pressure. It will go back to sleep tomorrow when America eases that pressure.

And what is the moral logic underlying the Democrats' demand for U.N. sanctions? The country's top Democrat, Sen. Tom Daschle, said that U.N. support ''will be a central factor in how quickly Congress acts. If the international community supports it, if we can get the information we've been seeking, then I think we can move to a [Senate] resolution.''

Daschle's insistence on the centrality of a U.N. stamp of approval is puzzling. How does this work? In what way does the approval of the Security Council confer moral legitimacy on this enterprise? Perhaps Daschle can explain how the blessing of the butchers of Tiananmen Square, who hold the Chinese seat on the Security Council, lends moral authority to an invasion of Iraq. Or the support of the Kremlin, whose central interest in Iraq is the $8 billion that it owes Russia.

Or the French. There can be no Security Council approval without them. Does Daschle imagine that their approval will hinge on humanitarian calculations? If the French come on board it will be because they see an Anglo-American train headed for Baghdad and they don't want to be left at the station. The last time the Middle East was carved up was 1916, when a couple of British and French civil servants, a Mr. Sykes and a Mr. Picot, drew lines on a map of the crumbling Ottoman Empire. Among other goodies, France got Syria and Lebanon. Britain got Iraq. The French might not relish being shut out of Iraq a second time.

My point is not to blame France or China or Russia for acting in their national interests. That's what nations do. That's what nations' leaders are supposed to do. My point is to express wonder at Americans who find it unseemly to act in the name of their own national interests and who cannot see the logical absurdity of granting moral legitimacy to American action only if it earns the approval of the Security Council—approval granted or withheld on the most cynical ground of self-interest.

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 August 19, 2000 in Los Altos, CA. A gay man and his friend were assaulted outside a hair salon. The assailant, Peter Ellsworth, used anti-gay epithets during the attack. Mr. Ellsworth has been charged in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

ANGELS IN ADOPTION

● Mrs. CARNAHAN. Mr. President, I would like to take this opportunity to recognize the individuals, organizations, and families who open their hearts to adoptive children. Children around the world, in Cambodia, in Romania, and in our own country wait desperately for families to care and provide for them. The parents who adopt these needy children turn their lives around and offer them a brighter future filled with love and hope.

As a member of the Congressional Coalition on Adoption, I would like to recognize the efforts of parents, adoption agencies, support groups and other individuals whose dedication to adoption makes a difference in the lives of children. Adoption provides countless children with stable homes, caring families and loving supportive parents. In particular, I would like to honor Dennis and Debbie Sparrow of Saint Louis, Missouri. This year, I have nominated the Sparrows as ''Angels in Adoption'' for their hard work and dedication to adoptive children from Romania. The ''Angels in Adoption'' award is presented by the Congressional Coalition on Adoption to recognize those who enrich the lives of adoptive children.

Dennis and Debbie Sparrow adopted their first child from Romania in 1991. During the adoption process, the Sparrows saw firsthand how many of the children in orphanages are destined for a life of poverty and hardship. Upon their return, Dennis and Debbie started two organizations to benefit the children they saw in Romania. S.E.E.K., Save Eastern Europe's Kids, collects donations for Romanian orphans and their caregivers. S.E.E.K. International, a non-profit adoption agency, assists prospective parents and children through the adoption process. In addition to helping over 100 children find loving homes, the Sparrows have personally adopted five children.

The Sparrows' exemplary work demonstrates that individuals can make a great difference. They have provided invaluable resources and support to other families wishing to bring Romanian children into their lives. They have raised money to assist in the care

of these children. They have established two adoption placement centers in Romania. Moreover, they have inspired others to open their hearts and homes to the orphaned children of Romania.

I want to applaud Dennis and Debbie Sparrow for their devotion to helping adoptive parents and children. These ''Angels in Adoption'' have not only made a difference in hundreds of young lives, but they have also raised the awareness of the benefits of adoption. The hard work of these angels is an inspiration to others and a blessing to the children whose lives they have touched.●

CONGRATULATIONS ON THE 95TH ANNIVERSARY OF UPS

● Mr. CLELAND. Mr. President, today I congratulate United Parcel Service on the occasion of its 95th anniversary, and to ask my distinguished colleagues to join me in recognizing the accomplishments of one of the Nation's most successful companies, a company that employs more than 371,000 men and women worldwide.

UPS was founded on August 28, 1907, in a small office under a sidewalk in Seattle, WA, where founder Jim Casey started what has become the largest transportation company in the world. Now headquartered in Atlanta, GA, UPS is considered the world leader in package delivery, and has been recognized for 4 straight years as the ''World's Most Admired Delivery Company'' by Fortune magazine.

Customers around the globe rely on UPS to ship nearly 13 million packages a day, creating a volume of 3.4 billion packages annually. UPS.com is one of the busiest websites on the Internet, allowing customers to enhance the customer service and efficiency of their e-commerce.

And UPS employees are among the best in the business, a result of working in an environment that enables growth and opportunity. In return, UPSers provide countless hours of volunteerism to organizations such as the United Way. In fact, last year alone, employees donated more than $50 million to the United Way, more than any corporation in the 115-year history of the United Way.

The true spirit of UPS is shown in the legacy carried out by its employees over the last 95 years. UPS is an example of what's right in corporate America today, and I am proud to congratulate them on 95 years of exemplary service.●

WELCOMING BOETTGER BABY

● Mr. CRAPO. Mr. President, I rise today to announce the birth of a fine young lady, Emily Copeland Boettger. Emily is the first child of Scott and Sally Boettger, and was born on May 8, 2002. Scott and Sally live in Hailey, ID, and are active in natural resources and environmental issues in the State. Scott serves as the Executive Directory of the Wood River Land Trust, and Sally serves as the Director of Development of The Nature Conservancy in Idaho. I have spent time in the Boettger's home and enjoyed their expertise and experience in outdoor activities. I'm happy to report that mother, father, and baby are doing well, although Scott and Sally are probably getting used to fewer hours of sleep.

Emily is the granddaughter of Cherry and William F. Gillespie, III, of Wilmington, DE, and Doug and Gail Boettger of Spring City, PA. I know they join with me in sending best wishes and welcome greetings to young Emily.

It is always a joyous event to bring a new family member into the world. Emily has been much-anticipated and has held a place in the hearts of her parents and family for many months now as they have awaited her arrival. As the father of five myself, I know that Scott and Sally are in for a most remarkable, frustrating, rewarding, and exciting experience of their lives. Emily will make certain of that. Our best wishes go out to the Boetger family on this most auspicious occasion.●

IN MEMORY OF IRA YELLIN

● Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the rich life and legacy of an exceptional Los Angeles leader and friend, Ira Yellin.

Ira died of cancer on September 10, 2002, of complications from lung cancer at his home in Santa Monica Canyon. He was 62 years old. This was a sad day for so many people throughout California, whose lives were touched by Ira's unyielding commitment to making our community a more beautiful and better place to live.

Although a strong supporter of many civic organizations, Ira was most well-known for his extraordinary dedication to restoration of several of Los Angeles's historic gems. While eating at Grand Central Market, waiting for a train at Union Station or admiring the beautiful restoration of City Hall, we have Ira to thank for helping to restore and maintain these wonderful places. Those who have visited Los Angeles' recently dedicated Catholic Cathedral of Our Lady of Angels may also thank Ira, for playing a role in its design.

Born in 1940 near Boston, MA, and raised in Van Nuys, CA, Ira often visited downtown Los Angeles with his father, who instilled in his son the passion for city life and the importance of making the world a better place. Years later, Ira attended Princeton University and Harvard Law School, and returned to California where he received a master's degree in law from the University of California, Berkeley. After he finished his studies, he spent a year in the Marines before settling in Los Angeles.

In 1967, Ira worked as a lawyer at a Beverly Hills firm while helping to run a non-profit legal advocacy organization. Then, in 1975, he left the firm to work in real estate development and management, overseeing building projects throughout California and on Los Angeles' Westside. However, Ira realized he was more drawn to downtown buildings in need of restoration than the state-of-the-art build on Los Angeles' affluent Westside. In 1985, Ira began his own real estate firm and dedicated his life to the revival of buildings throughout Los Angeles.

Ira's passion for turning neglected buildings into treasures for the community made him a great asset to Los Angeles. His dedication to community service benefitted many cultural and civic organizations. Ira was active with the Skirball Cultural Center, the J. Paul Getty Trust and served as past president of the American Jewish Committee.

I will miss Ira Yellin. Until the very end, he pursued his vision and turned dreams into realities. Although his presence will be greatly missed, his wonderful work will be long remembered for generations to come.●

ON THE WORK OF ATF SPECIAL AGENT JOHN CARR 2002 MEDAL OF VALOR RECIPIENT

● Mrs. BOXER. Mr. President, I am proud today to recognize the courage of Bureau of Alcohol, Tobacco and Firearms, ATF, Special Agent John Carr, who was recently honored with the Federal Bar Association's, FBA, distinguished 2002 Medal of Valor Award in Los Angeles. For the past 13 years, the FBA has presented the award to federal employees who demonstrate outstanding service in their field of work.

Special Agent Carr earned his award for working undercover to catch violent gang members staging a series of home invasion robberies. Carr transformed his look, acquainted himself with the criminals, and pretended to help them in their operation. Carr gave the criminals false information, which led them to traps planned by the ATF. Thanks to Carr's work, many dangerous criminals were caught and taken off our streets.

John Carr risked his life working on this assignment. There are not many people who would make such a great sacrifice for others to feel safe in their homes. Through his courage, bravery and steadfast dedication, Carr prevailed in the face of danger. I extend my sincere congratulations to John Carr on this honor, and thank him for his great work.●

CONGRATULATIONS TO NICK COSMA

● Mr. THOMAS. Mr. President, I rise today to offer my most sincere words of support and encouragement to Mr. Nick Cosma. Today Nick will stand and take his oath to become a citizen of the United States.

I believe it is particularly important during such times as these to reflect upon the dream that America represents to so many people like Nick around the world. A strong family, an adventurer's spirit and a solid character are essential ingredients to brave the challenges of an unknown land. While it certainly isn't an easy task to come from afar and try to make a better life in the United States, people continually come to these shores in search of opportunity, freedom and personal liberty. America is a country full of opportunity for those who are willing to work hard. Nick's hard work and dedication has brought him through our legal process to a junction where he can call himself an American.

Today Nick will have earned all of the rights and responsibilities that come with citizenship. I know this is a proud day for Nick and his wife Abra and their family and friends. As I understand, Nick has already been shopping for a fireproof safe to house his new American passport. It is apparent that Nick is already taking his new responsibilities seriously.

So with that, I offer congratulations to Nick Cosma and his family on his day of becoming a citizen.●

TRIBUTE TO ODILE GROGAN

● Mr. KENNEDY. Mr. President, I ask unanimous consent that the following tribute by my nephew, Joseph P. Kennedy II, be printed in the RECORD in honor of Odile Grogan, a dear friend of all of the Kennedy family.

The tribute follows:

TRIBUTE TO ODILE GROGAN

(By Joseph P. Kennedy II)

More than 20 years ago, my good friend Rick Grogan has the great fortune of meeting a savvy and stylish Parisian, Odile Claude Emelie Basch, who was working in New York City, running programs in support of the arts.

The timing was perfect. Rick, turning his sights to a career in international business, found a companion conversant in languages, accustomed to travel, and filled with the same spirit of adventure that has always animated his life.

Before meeting Rick, Odile's consuming passion was the arts.

The Gallic phase of her arts education took place in the Left Bank of Paris, renowned as a world center of culture. She attended the Ecole Alsacienne, located near the Montparnasse cafés frequented by artists and writers for over a century. Her talents were then nurtured at the Lycee Fenelon in the Quartier Saint Germain-des-Pres, just a few yards from Pablo Picasso's former atelier on Rue des Grandos Augustins.

After receiving the Baccalaureate, she took up studies at the arts-intensive Finch College in New York City, whose students have ranged the artistic gamut from Grace Slick to Isabella Rossellini.

She went on to receive an M.A. in art history from Queens College and subsequently applied both her management and art history skills directing visual and performing arts partron programs under Phillip Morris's legendary chairman, Joseph F. Cullman III. Her guidance led to innovative partnerships between the company and such institutions as the Whitney Museum, which opened a branch in the company's newly built headquarters.

It was during her tenure at Phillip Morris and Odile walked onto the canvas of Rick Grogan's life.

In Odile, he found someone at ease in every facet of conversation, with views as varied and forceful as his own. Whether discussing politics, cuisine, painting, or education, Odile proved not just a font of opinions and facts but a master of epithets and one-liners, in two tongues, no less.

Just out of Harvard Business School, Rick married Odile in 1981 and they moved to London, where Rick worked as a consultant for Bain Company. Rick thought they might spend a year or two in England before returning to the U.S.

Odile thought otherwise. As a tribute to her powers of persuasion, she convinced her deal-maker husband that London was just the right place for the family, conveniently located between France and America.

Rick bought the argument if not the logic and so they settled into life in England, their lives soon graced by Alexandra, Nicholas, and Charlotte, wonderfully gifted children who feel at home anywhere from Harvard Square to Picadily Circus to Place de la Concorde.

In spite of all her household demands, Odile never neglected to devote time and energy to her beloved arts. A benefactor of the Serpentine Gallery in London's Kensington Gardens, she has encouraged policies to bring a wider public into museums, using the arts to uplift and liberate the human spirit across broader demographics.

Her cultivated judgment has also been sought by the Tate Museum, where she serves on the acquisition committee.

Several years ago, the enviable rhythms of the Grogans' family life were interrupted by a cycling accident in the French countryside. Rick lay near death in a coma.

Odile, at hits side every moment, took full charge of his medical care and recovery. ''He is my husband,'' she declared. ''I can take care of him.''

And so she did, sitting long hours by his hospital bed, watching for this eyes to open and recognition to light up his expression. With her help and the force of her spirit, Rick did awaken and recover.

The mishap was an awful physical setback but one that brought forth a remarkable discovery for Rick.

He learned that Odile was not just a caring wife and a loving mother, not just a skilled hostess and devoted patroness, not just a talented linguist and art history scholar, but an angel of mercy.

All the advantages of education and career mean little without love in our lives. When that love finds it greatest expression in our hour of need, we can indeed count ourselves among the blessed.

This past June, Rick brought together a wide circle of their family and friends to celebrate all that Odile has meant to him in their years together. The gathering at Versailles Palace was an extraordinary expression of Rick's love.

But the gilt and glitter of that magnificent setting paled in comparison to what shined forth in from the hearts of all there assembled in tribute to Odile.

In the many decades I have known Rick, he has enjoyed tremendous success in academics, athletics, and business. However, the triumph that counts the most is the crown of his heart, his incomparable wife Odile, my good friend's own angel of mercy.●

NATIONAL SCHOOL BACKPACK AWARENESS DAY

● Mr. FRIST. Mr. President, fall has come and across the country, students are returning to school facing a public health risk from what many see as a completely benign and essential back-to-school supply, the school backpack.

More than 40 million American students carry backpacks to and form school each day. Health experts say that many of our children are hauling around too much weight, and that extra weight can adversely affect their healthy growth and development. Children carrying backpacks that are overloaded or improperly worn are putting themselves at risk for musculoskeletal pain, including back, neck, and shoulder pain, adverse affects on posture and the developing spine and compromised breathing and fatigue.

The good news for parents and kids is that many of these problems can be avoided by taking some very simple steps to help lighten the load. And the first step is education, raising awareness among parents, educators and kids about these potential risks and offering solutions to address them.

To that end, the American Occupational Therapy Association, AOTA, is sponsoring the first of its kind National School Backpack Awareness Day this week, on Wednesday, September 25. On that day, health professionals will hold events in schools across the country to weigh-in backpack-wearing kids and demonstrate the risks of injury that can result from carrying packs that are worn improperly, or are too heavy. Experts say that students should carry backpacks that weigh no more than 15 percent of their total body weight. Occupational Therapists, thousands of whom work every day in America's schools, will offer simple steps in how to properly pack, select and wear school backpacks.

Nashville, TN, Occupational Therapists will be at the Nashville State Technical Community College helping students learn more about the issue. In Knoxville, there will be a backpack weigh-in and Awareness Day event at Pond Gap Elementary School. I am proud to see these communities taking a leadership role on this important public health issue and I encourage other communities to take similar action on this day to help prevent health care problems that can arise.

Surely, we can all appreciate the bottom line lesson in this important public health education campaign, an ounce of prevention is worth of a pound of cure.●

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 Mrs. BOXER:

S. 2989. A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; to the Committee on Indian Affairs.

By Mr. BINGAMAN:

S. 2990. A bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for Mr. TORRICELLI):

S. 2991. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sandos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mrs. CLINTON, and Mrs. HUTCHISON):

S.Con.Res. 145. A concurrent resolution recognizing and commending Mary Baker Eddy's achievements and the Mary Baker Eddy Library for the Betterment of Humanity; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2557

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2557, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes.

S. 2765

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2765, a bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2933

At the request of Mr. BREAUX, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2933, a bill to promote elder justice, and for other purposes.

S. 2949

At the request of Mr. HOLLINGS, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2949, a bill to provide for enhanced aviation security, and for other purposes.

S. 2980

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2980, a bill to revise and extend the Birth Defects Prevention Act of 1998.

S. RES. 307

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 307, A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 322

At the request of Mrs. LINCOLN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 322, A resolution designating November 2002, as ''National Epilepsy Awareness Month''.

S. RES. 325

At the request of Mr. SESSIONS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kentucky (Mr. BUNNING), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 325, Resolution designating the month of September 2002 as ''National Prostate Cancer Awareness Month''.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Oklahoma (Mr. INHOFE), the Senator from Rhode Island (Mr. REED) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

AMENDMENT NO. 4568

At the request of Mr. HOLLINGS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4568 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4694

At the request of Mr. LIEBERMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of amendment No. 4694 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2990. A bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I am introducing a bill that will be jointly introduced by Representative CIRO RODRIGUEZ tomorrow when the House of Representatives comes into session entitled the ''Hispanic Health Improvement Act of 2002.'' This bill builds upon legislation that Representative RODRIGUEZ introduced in the last Congress and addresses the tremendous health disparities that confront the Hispanic community in our Nation.

Even if you know the statistics, they remain shocking. Over one-third, or 35 percent of Hispanic adults lack health insurance. Despite the passage of the Children's Health Insurance Program, 27 percent of Latino children remain uninsured, which is sharp comparison to 9 percent of white, 18 percent of black and 17 percent of Asian/Pacific Islander children.

In testimony before the Senate Health, Education, Labor and Pensions Committee earlier today on Hispanic health issues, Dr. Glenn Flores, chair of the Latino Consortium of the American Academy of Pediatrics Center for Child Health Research, added:

Among uninsured poor children in the U.S., Latinos outnumber all other racial/ethnic groups, including whites: there are 1 million poor, uninsured Latino children, compared with 766,000 white, and 533,000 African-American poor, uninsured children. . . . Although 1999 marked the first time in many years that the proportion of uninsured Latino children actually decreased (from 30% to 27%), recent national data suggest that outreach efforts to enroll Latino children have largely been unsuccessful. A Kaiser Commission report found that only 26% of parents of eligible uninsured children said that they had ever talked to someone or received information about Medicaid enrollment, and 46% of Spanish-speaking parents were unsuccessful at enrolling their uninsured children in Medicaid because materials were unavailable in Spanish.

In order to address the lack of health care coverage, the legislation would expand CHIP to cover pregnant women and parents of children enrolled in CHIP. The legislation provides $50 million in grants to community-based groups to improve outreach and enrollment of children in Medicaid and CHIP with the grants targeted to Hispanic communities.

In addition, the bill eliminates a number of enrollment barriers within Medicaid.

And finally, it provides States the option to enroll legal immigrant pregnant women and children in Medicaid or CHIP. This comes from legislation introduced by Senator GRAHAM earlier in this Congress.

In addition to poor coverage rates, according to the Centers for Disease Control and Prevention, or CDC, the Hispanic population has morbidity and mortality rates that more often than not exceed that of any other ethnic groups. For example, age-adjusted mortality rates for diabetes are over 50 percent higher among Hispanic persons than non-Hispanic whites. HIV infection rates are over 3 times those of non-Hispanic whites. Tuberculosis rates among Latino children are 13 times that of whites.

The legislation addresses these problems in a number of ways. In the area of access and affordability, our bill requires an annual report to Congress on how federal programs are responding to improve the health status of Hispanic individuals with respect to diabetes, cancer, asthma, HIV infection, AIDS, substance abuse, and mental health. The bill provides $100 million for targeted diabetes prevention, education, school-based programs, and screening activities in the Hispanic community.

In addition, the legislation specifically addresses the problems facing communities along the U.S.-Mexico border, a 2,000-mile stretch of land that contains 11 million people, 5 of the 7 poorest metropolitan statistical areas in the country, and disease rates in some areas that are extraordinary. If the region were a State, the border would rank 1st in the number of uninsured, last in terms of per capita income, and 1st in a number of diseases.

As Dr. Francisco Cigarroa, president of the University of Texas Health Sciences Center at San Antonio, noted in testimony at today's earlier hearing on Hispanic health, ''Germs respect no INS regulations. We truly must work with our neighbors to the South if we are to avoid a major influx of new conditions and diseases. It can be seen so clearly on a map. Just as there are 'rivers of commerce' there are 'rivers of infectious disease' and though they may start at the Border, they are eventually seen all the way to the northern Border that we share with Canada.''

In response, the bill provides $200 million to border communities to improve health services and infrastructure along the U.S.-Mexico border.

The numbers I have cited thus far indicates what we do know. Almost as much of a concern is what we do not know with respect to the status of Hispanic health in this Nation. According to one study, only 22 percent of all articles published in major medical journals included non-English-speaking patients.

The bill provides funding to do additional research and work on reducing health disparities in this Nation. Among the various provisions include efforts to improve the recruitment and retention of Hispanic health professionals and programs that support the training health professionals who can provide culturally competent and linguistically appropriate care. With respect to training more minority health professionals, Dr. Cigarroa said at today's hearing, ''We should do this because it is the smart thing to do. If we fail to take steps to address the gap between the health of the majority population and the health of the nation's rapidly growing minority populations, we are on a course leading to a collision. We are far too great a nation to allow this to happen.''

Representative CIRO RODRIGUEZ, the forthcoming chairman of the Congressional Hispanic Caucus, and I have worked together on this legislation to respond to the challenge before us with regard to coverage, access, and health disparities entitled the ''Hispanic Health Improvement Act of 2002.''

While the legislation puts forth a number of initiatives to address what are disproportionately Hispanic problems, it must be noted that each section of the bill, including those to reduce the number of uninsured and to improve access to care, would improve the overall health of our entire Nation regardless of race or ethnicity.

Over the coming months, I look forward to working with my colleagues to revise and improve upon this legislation for reintroduction in the 108th Congress.

Mr. President, I request 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. 2990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hispanic Health Improvement Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—HEALTH CARE COVERAGE

Subtitle A—Coverage for Parents and Pregnant Women

SEC. 101. COVERAGE OF PARENTS AND PREGNANT WOMEN UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) INCENTIVES TO IMPLEMENT COVERAGE OF PARENTS AND PREGNANT WOMEN.—

(1) UNDER MEDICAID.—

(A) ESTABLISHMENT OF NEW OPTIONAL ELIGIBILITY CATEGORY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) by striking ''or'' at the end of subclause (XVII);

(ii) by adding ''or'' at the end of subclause (XVIII); and

(iii) by adding at the end the following:

''(XIX) who are individuals described in subsection (k)(1) (relating to parents of categorically eligible children);''.

(B) PARENTS DESCRIBED.—Section 1902 of the Social Security Act is further amended by inserting after subsection (j) the following:

''(k)(1)(A) Individuals described in this paragraph are individuals—

''(i) who are the parents of an individual who is under 19 years of age (or such higher age as the State may have elected under section 1902(l)(1)(D)) and who is eligible for medical assistance under subsection (a)(10)(A);

''(ii) who are not otherwise eligible for medical assistance under such subsection or under a waiver approved under section 1115 or otherwise (except under section 1931 or under subsection (a)(10)(A)(ii)(XIX)); and

''(iii) whose family income exceeds the effective income level or resource level applicable under the State plan under part A of title IV as in effect as of July 16, 1996, but does not exceed the highest effective income level applicable to a child in the family under this title.

''(B) In establishing an income eligibility level for individuals described in this paragraph, a State may vary such level consistent with the various income levels established under subsection (l)(2) based on the ages of children described in subsection (l)(1) in order to ensure, to the maximum extent possible, that such individuals shall be enrolled in the same program as their children.

''(C) An individual may not be treated as being described in this paragraph unless, at the time of the individual's enrollment under this title, the child referred to in subparagraph (A)(i) of the individual is also enrolled under this title.

''(D) In this subsection, the term 'parent' has the meaning given the term 'caretaker relative' for purposes of carrying out section 1931.

''(2) In the case of a parent described in paragraph (1) who is also the parent of a child who is eligible for child health assistance under title XXI, the State may elect (on a uniform basis) to cover all such parents under section 2111 or under this title.''.

(C) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by striking ''or subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(ii) in subsection (u)—

(I) by redesignating paragraph (4) as paragraph (6), and

(II) by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b) and section 2105(a)(1):

''(A) PARENTS AND PREGNANT WOMEN.—The expenditures described in this subparagraph are the expenditures described in the following clauses (i) and (ii):

''(i) PARENTS.—If the conditions described in clause (iii) are met, expenditures for medical assistance for parents described in section 1902(k)(1) and for parents who would be described in such section but for the fact that they are eligible for medical assistance under section 1931 or under a waiver approved under section 1115.

''(ii) CERTAIN PREGNANT WOMEN.—If the conditions described in clause (iv) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2002.

''(iii) CONDITIONS FOR EXPENDITURES FOR PARENTS.—The conditions described in this clause are the following:

''(I) The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has an effective income level for children that is at least 200 percent of the poverty line.

''(II) State child health plan does not limit the acceptance of applications, does not use a waiting list for children who meet eligibility standards to qualify for assistance, and provides benefits to all children in the State who apply for and meet eligibility standards.

''(III) The State plans under this title and title XXI do not provide coverage for parents with higher family income without covering parents with a lower family income.

''(IV) The State does not apply an income level for parents that is lower than the effective income level (expressed as a percent of the poverty line) that has been specified under the State plan under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)), as of January 1, 2002, to be eligible for medical assistance as a parent under this title.

''(iv) CONDITIONS FOR EXPENDITURES FOR CERTAIN PREGNANT WOMEN.—The conditions described in this clause are the following:

''(I) The State has established an effective income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the poverty line.

''(II) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph

(A)(ii) with higher family income without covering such pregnant women with a lower family income.

''(III) The State does not apply an income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2002, to be eligible for medical assistance as a pregnant woman.

''(IV) The State satisfies the conditions described in subclauses (I) and (II) of clause (iii).

''(v) DEFINITIONS.—For purposes of this subsection:

''(I) The term 'parent' has the meaning given such term for purposes of section 1902(k)(1).

''(II) The term 'poverty line' has the meaning given such term in section 2110(c)(5).''.

(D) APPROPRIATION FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS FOR PARENTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Subparagraph (B) of section 2105(a)(1) of the Social Security Act, as amended by section 104(a), is amended to read as follows:

''(B) PARENTS AND PREGNANT WOMEN.—Expenditures for medical assistance that are attributable to expenditures described in section 1905(u)(4)(A).''.

(E) ONLY COUNTING ENHANCED PORTION FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by inserting ''(except in the case of expenditures described in subsection (u)(5))'' after ''do not exceed'';

(ii) in subsection (u), by inserting after paragraph (4) (as inserted by subparagraph (C)), the following:

''(5) For purposes of the fourth sentence of subsection (b) and section 2105(a), the following payments under this title do not count against a State's allotment under section 2104:

''(A) REGULAR FMAP FOR EXPENDITURES FOR PREGNANT WOMEN WITH INCOME ABOVE JANUARY 1, 2002 INCOME LEVEL AND BELOW 185 PERCENT OF POVERTY.—The portion of the payments made for expenditures described in paragraph (4)(A)(ii) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.''.

(2) UNDER TITLE XXI.—

(A) PARENTS AND PREGNANT WOMEN COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

''SEC. 2111. OPTIONAL COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN OR TARGETED LOW-INCOME PREGNANT WOMEN.

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of parent health assistance for targeted low-income parents, pregnancy-related assistance for targeted low-income pregnant women, or both, in accordance with this section, but only if—

''(1) with respect to the provision of parent health assistance, the State meets the conditions described in clause (iii) of section 1905(u)(4)(A);

''(2) with respect to the provision of pregnancy-related assistance, the State meets the conditions described in clause (iv) of section 1905(u)(4)(A); and

''(3) in the case of parent health assistance for targeted low-income parents, the State elects to provide medical assistance under section 1902(a)(10)(A)(ii)(XIX), under section 1931, or under a waiver under section 1115 to individuals described in section 1902(k)(1)(A)(i) and elects an effective income level that, consistent with paragraphs (1)(B) and (2) of section 1902(k), ensures to the maximum extent possible, that such individuals shall be enrolled in the same program as their children if their children are eligible for coverage under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)).''.

''(b) DEFINITIONS.—For purposes of this title:

''(1) PARENT HEALTH ASSISTANCE.—The term 'parent health assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income parents.

''(2) PARENT.—The term 'parent' has the meaning given the term 'caretaker relative' for purposes of carrying out section 1931.

''(3) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services) and to other conditions that may complicate pregnancy.

''(4) TARGETED LOW-INCOME PARENT.—The term 'targeted low-income parent' has the meaning given the term targeted low-income child in section 2110(b) as if the reference to a child were deemed a reference to a parent (as defined in paragraph (3)) of the child; except that in applying such section—

''(A) there shall be substituted for the income level described in paragraph (1)(B)(ii)(I) the applicable income level in effect for a targeted low-income child;

''(B) in paragraph (3), January 1, 2002, shall be substituted for July 1, 1997; and

''(C) in paragraph (4), January 1, 2002, shall be substituted for March 31, 1997.

''(5) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' has the meaning given the term targeted low-income child in section 2110(b) as if any reference to a child were a reference to a woman during pregnancy and through the end of the month in which the 60-day period beginning on the last day of her pregnancy ends; except that in applying such section—

''(A) there shall be substituted for the income level described in paragraph (1)(B)(ii)(I) the applicable income level in effect for a targeted low-income child;

''(B) in paragraph (3), January 1, 2002, shall be substituted for July 1, 1997; and

''(C) in paragraph (4), January 1, 2002, shall be substituted for March 31, 1997.

''(6) PARENT.—The term 'parent' has the meaning given the term 'caretaker relative' for purposes of carrying out section 1931.

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of parent health assistance to targeted low-income parents or pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income parent or a targeted low-income pregnant woman (as applicable).

''(2) Any such reference to child health assistance—

''(A) with respect to such parents is deemed a reference to parent health assistance; and

''(B) with respect to such pregnant women, is deemed a reference to pregnancy-related assistance.

''(3) In applying section 2103(e)(3)(B) in the case of a family or pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to the entire family or such pregnant woman.

''(4) In applying section 2110(b)(4), any reference to 'section 1902(l)(2) or 1905(n)(2) (as selected by a State)' is deemed a reference to the effective income level applicable to parents under section 1931 or under a waiver approved under section 1115, or, in the case of a pregnant woman, the income level established under section 1902(l)(2)(A).

''(5) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to parents and pregnant women.''.

(B) ADDITIONAL ALLOTMENT FOR STATES PROVIDING COVERAGE OF PARENTS OR PREGNANT WOMEN.—

(i) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ALLOTMENTS FOR STATE COVERAGE OF PARENTS OR PREGNANT WOMEN.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal year 2002, $2,000,000,000;

''(B) for fiscal year 2003, $2,000,000,000;

''(C) for fiscal year 2004, $3,000,000,000;

''(D) for fiscal year 2005, $3,000,000,000;

''(E) for fiscal year 2006, $5,000,000,000;

''(F) for fiscal year 2007, $5,000,000,000;

''(G) for fiscal year 2008, $5,000,000,000;

''(H) for fiscal year 2009, $5,000,000,000;

''(I) for fiscal year 2010, $5,000,000,000; and

''(J) for fiscal year 2011 and each fiscal year thereafter, the amount of the allotment provided under this paragraph for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).

''(2) STATE AND TERRITORIAL ALLOTMENTS.—

''(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

''(i) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

''(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

''(B) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional

allotments are only made available to States which have elected to provide coverage under section 2111.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2002. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for parent health assistance for targeted low-income parents, and pregnancy-related assistance for targeted low-income pregnant women.

''(4) REQUIRING ELECTION TO PROVIDE COVERAGE.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State has made an election to provide parent health assistance for targeted low-income parents, or pregnancy-related assistance for targeted low-income pregnant women.''.

(ii) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(I) in subsection (a), by inserting ''subject to subsection (d),'' after ''under this section,'';

(II) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(III) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(C) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting ''AND PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(ii) by inserting before the period at the end the following: ''and for pregnancy-related services''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to items and services furnished on or after October 1, 2002, without regard to whether regulations implementing such amendments have been issued.

(b) MAKING TITLE XXI BASE ALLOTMENTS PERMANENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following:

''(11) for fiscal year 2008 and each fiscal year thereafter, the amount of the allotment provided under this subsection for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).''.

(c) OPTIONAL APPLICATION OF PRESUMPTIVE ELIGIBILITY PROVISIONS TO PARENTS.—Section 1920A of the Social Security Act (42 U.S.C. 1396r–1a) is amended by adding at the end the following:

''(e) A State may elect to apply the previous provisions of this section to provide for a period of presumptive eligibility for medical assistance for a parent (as defined for purposes of section 1902(k)(1)) of a child with respect to whom such a period is provided under this section.''.

(d) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY CATEGORIES.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking ''or'' at the end of clause (xii);

(B) by inserting ''or'' at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following:

''(xiv) who are parents described (or treated as if described) in section 1902(k)(1),''.

(2) INCOME LIMITATIONS.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(3) CONFORMING AMENDMENT RELATING TO NO WAITING PERIOD FOR PREGNANT WOMEN.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking '', and'' at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income parent who is pregnant.''.

SEC. 102. AUTOMATIC ENROLLMENT OF CHILDREN BORN TO TITLE XXI PARENTS.

(a) TITLE XXI.—Section 2102(b)(1) (42 U.S.C. 1397bb(b)(1)) is amended by adding at the end the following:

''(C) AUTOMATIC ELIGIBILITY OF CHILDREN BORN TO PREGNANT WOMEN.—Such eligibility standards shall provide for automatic coverage of a child born to an individual who is provided assistance under this title in the same manner as medical assistance would be provided under section 1902(e)(4) to a child described in such section.''.

(b) CONFORMING AMENDMENT TO MEDICAID.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

SEC. 103. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting ''(or, at the election of a State, 20 or 21 years of age)'' after ''19 years of age''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of the Social Security Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting ''(or 1 year less than the age the State has elected under subsection (l)(1)(D))'' after ''18 years of age''.

(B) Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended by inserting ''or such higher age as the State has elected under subsection (l)(1)(D)'' after ''19 years of age''.

(C) Section 1920A(b)(1) of the Social Security Act (42 U.S.C. 1396r–1a(b)(1)) is amended by inserting ''or such higher age as the State has elected under section 1902(l)(1)(D)'' after ''19 years of age''.

(D) Section 1928(h)(1) of the Social Security Act (42 U.S.C. 1396s(h)(1)) is amended by inserting ''or 1 year less than the age the State has elected under section 1902(l)(1)(D)'' before the period at the end.

(E) Section 1932(a)(2)(A) of the Social Security Act (42 U.S.C. 1396u–2(a)(2)(A)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))'' after ''19 years of age''.

(b) TITLE XXI.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2002, and apply to medical assistance and child health assistance provided on or after such date, whether or not regulations implementing such amendments have been issued.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS TO AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.

(a) AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) is amended to read as follows:

''(a) ALLOWABLE EXPENDITURES.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP of the following expenditures in the quarter:

''(A) CHILD HEALTH ASSISTANCE UNDER MEDICAID.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing medical assistance for expenditures described in the fourth sentence of section 1905(b).

''(B) RESERVED.—[reserved].

''(C) CHILD HEALTH ASSISTANCE UNDER THIS TITLE.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing health benefits coverage that meets the requirements of section 2103.

''(D) ASSISTANCE AND ADMINISTRATIVE EXPENDITURES SUBJECT TO LIMIT.—Expenditures only to the extent permitted consistent with subsection (c)—

''(i) for other child health assistance for targeted low-income children;

''(ii) for expenditures for health services initiatives under the plan for improving the health of children (including targeted low-income children and other low-income children);

''(iii) for expenditures for outreach activities as provided in section 2102(c)(1) under the plan; and

''(iv) for other reasonable costs incurred by the State to administer the plan.

''(2) ORDER OF PAYMENTS.—Payments under a subparagraph of paragraph (1) from a State's allotment for expenditures described in each such subparagraph shall be made on a quarterly basis in the order of such subparagraph in such paragraph.

''(3) NO DUPLICATIVE PAYMENT.—In the case of expenditures for which payment is made under paragraph (1), no payment shall be made under title XIX.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 1905(u).—Section 1905(u)(1)(B) of the Social Security Act (42 U.S.C. 1396d(u)(1)(B)) is amended by inserting ''and section 2105(a)(1)'' after ''subsection (b)''.

(2) SECTION 2105(c).—Section 2105(c)(2)(A) of the Social Security Act (42 U.S.C. 1397ee(c)(2)(A)) is amended by striking ''subparagraphs (A), (C), and (D) of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251), whether or not regulations implementing such amendments have been issued.

Subtitle B—Outreach and Enrollment

SEC. 111. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS UNDER SCHIP.

(a) IN GENERAL.—Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary''; and

(2) by adding at the end the following:

''(2) GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

''(A) IN GENERAL.—Prior to any redistribution under paragraph (1) of unexpended allotments made to States under subsection (b) or

(c) for fiscal year 2000 and any fiscal year thereafter, the Secretary shall—

''(i) reserve from such unexpended allotments the lesser of $50,000,000 or the total amount of such unexpended allotments for grants under this paragraph for the fiscal year in which the redistribution occurs; and

''(ii) subject to subparagraph (B), use such reserved funds to make grants to local and community-based public or nonprofit organizations (including organizations involved in women's health, pediatric advocacy, local and county governments, public health departments, Federally-qualified health centers, children's hospitals, and hospitals defined as disproportionate share hospitals under the State plan under title XIX) to conduct innovative outreach and enrollment efforts that are consistent with section 2102(c) and to promote understanding of the importance of health insurance coverage for prenatal care and children.

''(B) PRIORITY FOR GRANTS IN CERTAIN AREAS.—In making grants under subparagraph (A)(ii), the Secretary shall give priority to grant applicants that propose to target the outreach and enrollment efforts funded under the grant to geographic areas—

''(i) with high rates of eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) with high rates of families for whom English is not their primary language.

''(C) APPLICATIONS.—An organization that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide.''.

(b) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT TITLE XXI APPLICATIONS.—Section 1902(a)(55) of such Act (42 U.S.C. 1396a(a)(55)) is amended by inserting '', and applications for child health assistance under title XXI'' after ''(a)(10)(A)(ii)(IX)''.

Subtitle C—Immigrant Children and Pregnant Women

SEC. 121. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2002, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 122. PERMITTING STATES AND LOCALITIES TO PROVIDE HEALTH CARE TO ALL INDIVIDUALS.

(a) IN GENERAL.—Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(2) and (3)'' and inserting ''(2), (3), and (4)''; and

(ii) in subparagraph (B), by striking ''health,''; and

(B) by adding at the end the following new paragraph

''(4) Such term does not include any health benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to health care furnished before, on, or after the date of the enactment of this Act.

Subtitle D—Eligibility Simplification

SEC. 131. STATE OPTION TO PROVIDE FOR SIMPLIFIED DETERMINATIONS OF A CHILD'S FINANCIAL ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER MEDICAID.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13)(A) At the option of the State, the plan may provide that financial eligibility requirements for medical assistance are met for an individual who is under an age specified by the State (not to exceed 19 years of age) based on a determination, during the 12 months prior to applying for such assistance, of the individual's family or household income or resources by a Federal or State agency (or a public or private entity making such determination on behalf of such agency) specified by the plan, provided that such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations, and provided that all information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under title XXI.

''(B) Nothing in subparagraph (A) shall be construed to authorize the denial of medical assistance under a State plan approved under this title or of child health assistance under a State plan approved under title XXI to an individual under 19 years of age who, without regard to the application of this paragraph or an option exercised thereunder, would qualify for such assistance.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2002.

SEC. 132. APPLICATION OF SIMPLIFIED TITLE XXI PROCEDURES UNDER THE MEDICAID PROGRAM.

(a) APPLICATION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting ''subject to paragraph (5)'', after ''Notwithstanding subsection (a)(17),''; and

(B) by adding at the end the following:

''(5) With respect to determining the eligibility of individuals under 19 years of age (or such higher age as the State has elected under paragraph (1)(D)) for medical assistance under subsection (a)(10)(A) and, separately, with respect to determining the eligibility of individuals for medical assistance under subsection (a)(10)(A)(i)(VIII) or (a)(10)(A)(ii)(XIX), notwithstanding any other provision of this title, if the State has established a State child health plan under title XXI—

''(A) the State may not apply a resource standard;

''(B) the State shall use the same simplified eligibility form (including, if applicable, permitting application other than in person) as the State uses under such State child health plan with respect to such individuals;

''(C) the State shall provide for initial eligibility determinations and redeterminations of eligibility using verification policies, forms, and frequency that are no less restrictive than the policies, forms, and frequency the State uses for such purposes under such State child health plan with respect to such individuals; and

''(D) the State shall not require a face-to-face interview for purposes of initial eligibility determinations and redeterminations unless the State requires such an interview for such purposes under such child health plan with respect to such individuals.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to determinations of eligibility made on or after the date that is 1 year after the date of the enactment of this Act, whether or not regulations implementing such amendments have been issued.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1920A(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended by inserting ''a child care resource and referral agency,'' after ''a State or tribal child support enforcement agency,''.

(2) APPLICATION TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(3) APPLICATION UNDER TITLE XXI.—

(A) IN GENERAL.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

''(D) Sections 1920 and 1920A (relating to presumptive eligibility).''.

(B) CONFORMING ELIMINATION OF RESOURCE TEST.—Section 2102(b)(1)(A) of such Act (42 U.S.C. 1397bb(b)(1)(A)) is amended—

(i) by striking '' and resources (including any standards relating to spenddowns and disposition of resources)''; and

(ii) by adding at the end the following: ''Effective 1 year after the date of the enactment of the Hispanic Health Improvement Act 2002, such standards may not include the application of a resource standard or test.''.

(c) AUTOMATIC REASSESSMENT OF ELIGIBILITY FOR TITLE XXI AND MEDICAID BENEFITS FOR CHILDREN LOSING MEDICAID OR TITLE XXI ELIGIBILITY.—

(1) LOSS OF MEDICAID ELIGIBILITY.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking the period at the end of paragraph (65) and inserting ''; and'', and

(B) by inserting after paragraph (65) the following:

''(66) provide, in the case of a State with a State child health plan under title XXI, that before medical assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XXI shall be made and, if determined to be so eligible, the child (or parent) shall be automatically enrolled in the program under such title without the need for a new application.''.

(2) LOSS OF TITLE XXI ELIGIBILITY AND COORDINATION WITH MEDICAID.—Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(A) in paragraph (3), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following:

''(D) that before health assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XIX is made and, if determined to be so eligible, the child (or parent) is automatically enrolled in the program under such title without the need for a new application;'';

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) COORDINATION WITH MEDICAID.—The State shall coordinate the screening and enrollment of individuals under this title and under title XIX consistent with the following:

''(A) Information that is collected under this title or under title XIX which is needed to make an eligibility determination under the other title shall be transmitted to the appropriate administering entity under such other title in a timely manner so that coverage is not delayed and families do not have to submit the same information twice. Families shall be provided the information they need to complete the application process for coverage under both titles and be given appropriate notice of any determinations made on their applications for such coverage.

''(B) If a State does not use a joint application under this title and such title, the State shall—

''(i) promptly inform a child's parent or caretaker in writing and, if appropriate, orally, that a child has been found likely to be eligible under title XIX;

''(ii) provide the family with an application for medical assistance under such title and offer information about what (if any) further information, documentation, or other steps are needed to complete such application process;

''(iii) offer assistance in completing such application process; and

''(iv) promptly transmit the separate application under this title or the information obtained through such application, and all other relevant information and documentation, including the results of the screening process, to the State agency under title XIX for a final determination on eligibility under such title.

''(C) Applicants are notified in writing of—

''(i) benefits (including restrictions on cost-sharing) under title XIX; and

''(ii) eligibility rules that prohibit children who have been screened eligible for medical assistance under such title from being enrolled under this title, other than provisional temporary enrollment while a final eligibility determination is being made under such title.

''(D) If the agency administering this title is different from the agency administering a State plan under title XIX, such agencies shall coordinate the screening and enrollment of applicants for such coverage under both titles.

''(E) The coordination procedures established between the program under this title and under title XIX shall apply not only to the initial eligibility determination of a family but also to any renewals or redeterminations of such eligibility.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) apply to individuals who lose eligibility under the medicaid program under title XIX, or under a State child health insurance plan under title XXI, respectively, of the Social Security Act on or after October 1, 2002 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

(d) PROVISION OF MEDICAID AND CHIP APPLICATIONS AND INFORMATION UNDER THE SCHOOL LUNCH PROGRAM.—Section 9(b)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(B)) is amended—

(1) by striking ''(B) Applications'' and inserting ''(B)(i) Applications''; and

(2) by adding at the end the following:

''(ii)(I) Applications for free and reduced price lunches that are distributed pursuant to clause (i) to parents or guardians of children in attendance at schools participating in the school lunch program under this Act shall also contain information on the availability of medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and of child health and other assistance under title XXI of such Act, including information on how to obtain an application for assistance under such programs.

''(II) Information on the programs referred to in subclause (I) shall be provided on a form separate from the application form for free and reduced price lunches under clause (i).''.

(e) 12-MONTHS CONTINUOUS ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended—

(A) by striking ''At the option of the State, the plan may'' and inserting ''The plan shall'';

(B) by striking ''an age specified by the State (not to exceed 19 years of age)'' and inserting ''19 years of age (or such higher age as the State has elected under subsection (l)(1)(D)) or, at the option of the State, who is eligible for medical assistance as the parent of such a child''; and

(C) in subparagraph (A), by striking ''a period (not to exceed 12 months) '' and inserting ''the 12-month period beginning on the date''.

(2) TITLE XXI.—Section 2102(b)(2) of such Act (42 U.S.C. 1397bb(b)(2)) is amended by adding at the end the following: ''Such methods shall provide 12-months continuous eligibility for children under this title in the same manner that section 1902(e)(12) provides 12-months continuous eligibility for children described in such section under title XIX. If a State has elected to apply section 1902(e)(12) to parents, such methods may provide 12-months continuous eligibility for parents under this title in the same manner that such section provides 12-months continuous eligibility for parents described in such section under title XIX.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect on October 1, 2002 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

Subtitle E—SCHIP Wrap-Around Benefits

SEC. 141. REQUIRING COVERAGE OF SUBSTANTIALLY EQUIVALENT DENTAL SERVICES UNDER SCHIP.

(a) IN GENERAL.—Section 2103(c)(2) of the Social Security Act (42 U.S.C. 1397cc(c)(2)) is amended by adding at the end the following new subparagraph:

''(E) Dental services.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003.

SEC. 142. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(ii) by adding at the end the following new paragraph:

''(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

''(A) dental services;

''(B) cost-sharing protection; or

''(C) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''; and

(B) CONDITIONS DESCRIBED.—Section 2105(c) of such Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) CONDITIONS FOR PROVISION OF WRAP AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

''(i) has an income eligibility standard not less than that described in paragraph (4) of such section;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of such Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iii) at State option, may not apply a waiting period in the case of child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or subsection (u)(3)'' and inserting ''(u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 121(b), is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003, and shall apply to child health assistance and medical assistance provided on or after that date.

Subtitle F—Immunization Coverage Through SCHIP

SEC. 151. ELIGIBILITY OF CHILDREN ENROLLED IN THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM FOR THE PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

(a) IN GENERAL.—Section 1928(b)(2)(B)(ii)(I) of the Social Security Act (42 U.S.C. 1396s(b)(2)(B)(ii)(I)) is amended by inserting ''(other than a State child health plan under title XXI)'' after ''policy or plan''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to vaccines administered on or after the date of the enactment of this Act.

Subtitle G—Limited English Proficient Communities

SEC. 161. INCREASED FEDERAL REIMBURSEMENT FOR LANGUAGE SERVICES UNDER THE MEDICAID PROGRAM AND THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) MEDICAID.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ''plus'' at the end and inserting ''and''; and

(2) by adding at the end the following:

''(E) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, medical assistance under the State plan; plus''.

(b) SCHIP.—Section 2105(a)(1) of the Social Security Act (42 U.S.C.1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''section 1905(b))'' and inserting ''section 1905(b)) or, in the case of expenditures described in subparagraph (D)(iv), 90 percent''; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking ''and'' at the end;

(B) be redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

''(iv) for expenditures attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, child health assistance under the plan; and''.

(c) NONAPPLICATION OF LIMIT ON ADMINISTRATIVE EXPENDITURES.—Section 2105(a) of the Social Security Act (42 U.S.C.1397ee(a)) is amended by adding at the end the following:

''(3) NONAPPLICATION OF LIMIT ON ADMINISTRATIVE EXPENDITURES.—The 10 percent limitation on expenditures not used for medicaid or health assistance imposed under subsection (c)(2)(A) shall not apply to payments made under this subsection for expenditures described in paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

Subtitle H—Binational Health Insurance

SEC. 171. BINATIONAL HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance companies.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under subsection (a). Such report shall include the recommendations of the Institute on ways to expand or improve binational health insurance efforts.

TITLE II—ACCESS AND AFFORDABILITY

Subtitle A—Report on Programs for Improving the Health Status of Hispanic Individuals

SEC. 201. ANNUAL REPORT REGARDING DIABETES, HIV/AIDS, SUBSTANCE ABUSE, AND MENTAL HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall annually submit to Congress a report on programs carried out through the Public Health Service with respect to improving the health status of Hispanic individuals regarding diabetes, cancer, asthma, HIV infection, AIDS, substance abuse, and mental health, including—

(1) prevention programs carried out through the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration;

(2) treatment programs carried out through the Health Resources and Services Administration and the Substance Abuse and Mental Health Services Administration;

(3) research programs carried out through the National Institutes of Health; and

(4) activities of the Office of Public Health and Science, including activities of the Office of Minority Health.

(b) DATA COLLECTION.—Each report under subsection (a) shall include information on programs carried out through the Public Health Service to collect data that relates to the health status of Hispanic individuals regarding diabetes, HIV infection, AIDS, substance abuse, and mental health.

Subtitle B—Diabetes Control and Prevention

SEC. 211. NATIONAL DIABETES EDUCATION PROGRAM OF CENTERS FOR DISEASE CONTROL AND PREVENTION; INCREASED AUTHORIZATION OF APPROPRIATIONS FOR ACTIVITIES REGARDING HISPANIC INDIVIDUALS.

(a) IN GENERAL.—For the purpose of carrying out the activities described in subsection (b) through the Division of Diabetes Translation of the Centers for Disease Control and Prevention, there are authorized to be appropriated $100,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.

(b) INCREASE IN PREVENTION ACTIVITIES.—The activities referred to in subsection (a) are—

(1) identifying geographic areas in which the incidence of or mortality from diabetes in Hispanic individuals is significantly above the national average for such individuals;

(2) carrying out in such areas prevention activities regarding diabetes that are directed toward Hispanic individuals, including education programs and screening programs;

(3) designing and assisting with the implementation of school-based programs aimed at modifying environmental risk factors and access to care for high-risk and diagnosed Hispanic youth; and

(4) designing and assisting with the implementation of diabetes-specific programs to improve diagnosis, treatment, and self-management training in community health clinics.

SEC. 212. NATIONAL INSTITUTES OF HEALTH; IMPLEMENTATION OF RECOMMENDATIONS OF DIABETES RESEARCH WORKING GROUP.

For the purpose of carrying out the plan to implement the recommendations of the Diabetes Research Working Group of the National Institute on Diabetes and Digestive and Kidney Diseases (which plan was developed and submitted to the Congress pursuant to the Department of Health and Human Services Appropriations Act, 2000), which most impact the Hispanic community, including research into obesity, behavioral and environmental risk factors, and special needs of minority women, children and the elderly, there are authorized to be appropriated $363,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007.

Subtitle C—HIV Prevention Activities Regarding Hispanic Individuals

SEC. 221. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION; REPRESENTATION OF HISPANIC INDIVIDUALS IN MEMBERSHIP OF COMMUNITY PLANNING GROUPS.

(a) IN GENERAL.—With respect to community planning groups that the Centers for Disease Control and Prevention utilizes in carrying out programs for the prevention of HIV infection, the Secretary, acting through the Director of such Centers, shall carry out the following:

(1) The Secretary shall identify community planning groups for which Hispanic individuals are underrepresented as members in relation to the number of Hispanic individuals with HIV who reside in the communities involved.

(2) The Secretary shall develop a plan to increase the representation of Hispanic individuals in the membership of the community planning groups identified under paragraph (1). Such plan may provide for facilitating the participation of Hispanic individuals as members in such groups by assisting the individuals with the incidental costs incurred

by the individuals in being such members, such as the costs of transportation and child-care services.

(3) The plan shall include a strategy and detailed timeline for implementing the plan.

(b) DEFINITION.—In this section, the term ''community planning group'' has the meaning that applies for purposes of programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (including title XXVI of the Public Health Service Act).

SEC. 222. AIDS EDUCATION AND TRAINING CENTERS FUNDED BY HEALTH RESOURCES AND SERVICES ADMINISTRATION; ESTABLISHMENT OF CENTER DIRECTED TOWARD MINORITY POPULATIONS WITH HIV.

(a) IN GENERAL.—In carrying out section 2692 of the Public Health Service Act (42 U.S.C. 300ff-111), the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to eligible Hispanic-serving institutions for the purpose of carrying out projects under such section with respect to HIV in racial and ethnic minority groups.

(b) CULTURAL COMPETENCE.—A condition for grants under subsection (a) is that the applicants involved agree that the education and training provided through projects under such subsection will be provided in a culturally competent manner (as defined in section 331).

(c) ELIGIBLE INSTITUTIONS.—In this section:

(1) ELIGIBLE HISPANIC-SERVING INSTITUTION.—The term ''eligible Hispanic-serving institution'' means a Hispanic-serving institution that has a record of carrying out HIV-related activities with respect to Hispanic individuals.

(2) HISPANIC-SERVING INSTITUTION.—The term ''Hispanic-serving institution'' has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

Subtitle D—Prevention of Latina Adolescent Suicides

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Latina Adolescent Suicide Prevention Act''.

SEC. 232. ESTABLISHMENT OF PROGRAM FOR PREVENTION OF LATINA ADOLESCENT SUICIDES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 520A the following section:

''SEC. 520B. PREVENTION OF LATINA ADOLESCENT SUICIDES.

''(a) IN GENERAL.—The Secretary shall carry out a program to make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities for the purpose of reducing suicide attempts and deaths among Latina adolescents and for the purpose of dealing with depression and other related emotional conditions which may contribute to suicide.

''(b) COLLABORATION.—The Secretary shall ensure that the program carried out under this section is developed in collaboration with the relevant institutes at the National Institutes of Health, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Administration on Children and Families.

''(c) PREFERENCE.—In making awards under subsection (a), the Secretary shall give preference to applicants that—

''(1) demonstrate a strong linkage with schools and are actually supported by and operated within a school facility or associated setting;

''(2) provide direct services to Latina adolescents and their family members when appropriate; and

''(3) serve geographic areas that already have a high concentration of underserved adolescent Latinas or a rapidly growing Hispanic population, based on the latest census data.

''(d) REQUIREMENTS.—A condition for the receipt of an award under subsection (a) is that the applicant involved demonstrate that the project to be carried out with the award will—

''(1) provide for the timely assessment and treatment of Latina adolescents at risk for suicide;

''(2) use evidenced-based strategies;

''(3) be based on exemplary practices that are adapted to the unique characteristics and needs of the local community;

''(4) be integrated into the existing health care system in the community, including primary health care, mental health services, and substance abuse services as appropriate;

''(5) be integrated into other systems in the community to address the needs of Latina adolescents including the educational system, juvenile justice, and recreation;

''(6) provide support services to the families and friends of those who plan, attempt, or actually commit suicide;

''(7) provide culturally, linguistically, and developmentally appropriate services;

''(8) agree to outcomes evaluation to determine the success of the program and the possibility of replication to other adolescent girls at risk of suicide;

''(9) provide or ensure referral for mental health and substance abuse services as needed; and

''(10) ensure that staff used in the program are trained in suicide prevention and in the identification of conditions which left untreated may lead to suicide, are capable of providing culturally and linguistically appropriate services, and that professionals involved in the system of care are given training in identifying persons at risk of suicide.

''(e) COORDINATION.—A condition for the receipt of an award under subsection (a) is that the applicant involved demonstrate that—

''(1) the application has the support of the local communities and the approval of the political subdivision to be served by the project to be carried out under the award; and

''(2) the applicant has discussed the application with local and State mental health officials.

''(f) MATCHING REQUIREMENT.—With respect to the costs to be incurred by an applicant in carrying out a project under subsection (a), the Secretary may require as a condition of the receipt of the award that the applicant make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided under the award).

''(g) EVALUATION.—The Secretary shall ensure that entities receiving awards under subsection (a) submit an evaluation of the project carried out under the award that includes an evaluation of—

''(1) the efficacy of project strategies; and

''(2) short, intermediate, and long-term outcomes, including the overall impact of the project on the self-esteem of Latina adolescents, their emotional well-being and development, ability to deal in a positive and confident manner with their families, peers, and social environment, and to make constructive and personally fulfilling life choices.

''(h) DISSEMINATION AND EDUCATION.—The Secretary shall ensure that the findings from the program carried out under this section are disseminated to State and local governmental agencies and private providers of mental health and substance abuse services.

''(i) DURATION OF PROJECTS.—With respect to an award under subsection (a), the period during which payments under such award are made may not exceed 5 years.

''(j) DEFINITION.—In this section, the term 'adolescent' means an individual between the ages of 11 and 17 (inclusive).

''(k) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 and 2005.

''(2) ALLOCATION FOR PROGRAM MANAGEMENT.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 1 percent for administering the program under this section.''.

Subtitle E—Dental Health Services

SEC. 241. GRANTS TO IMPROVE THE PROVISION OF DENTAL HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting before section 330, the following:

''SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY OF SERVICES.

''(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

''(b) ELIGIBILITY.—

''(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

''(A) shall be—

''(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

''(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

''(iii) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); or

''(iv) a dental education program accredited by the Commission on Dental Accreditation; and

''(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

''(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(C) provide assurances that—

''(i) the individual will practice in a federally-designated dental health professional shortage area; and

''(ii) not less than 33 percent of the patients of such individual are—

''(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

''(III) uninsured.

''(c) USE OF FUNDS.—

''(1) ENTITIES.—An entity shall use amounts received under a grant under this

section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

''(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2003 through 2007 to hire and retain dental health care providers under this section.

''(2) USE OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

''(A) not less than 75 percent of such amount to make grants to eligible entities; and

''(B) not more than 25 percent of such amount to make grants to eligible individuals.''.

SEC. 242. SCHOOL-BASED DENTAL SEALANT PROGRAM.

Section 317M(c) of the Public Health Service Act (42 U.S.C. 247b–14) is amended—

(1) in paragraph (1), by inserting ''and school-linked'' after ''school-based'';

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and school-linked'' after ''school-based''; and

(B) by inserting ''or Indian tribe'' after ''State''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

''(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

''(B) be a—

''(i) public elementary or secondary school—

''(I) that is located in an urban area in which and more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

''(II) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

''(ii) public or non-profit health organization, including a grantee under section 330, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.''.

Subtitle F—Border Health

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Border Health Security Act of 2002''.

SEC. 252. DEFINITIONS.

In this subtitle:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 253. BORDER HEALTH SERVICES GRANTS.

(a) IN GENERAL.—The Secretary, acting through the United States-Mexico Border Health Commission and in consultation the State border health offices, shall award grants to States, local governments, and non-profit health organizations along the border of the United States and Mexico to address priorities and recommendations established by—

(1) the United States-Mexico Border Health Commission and the United States Section Commission outreach offices in each of the United States border States; and

(2) the Secretary to improve the health of border region residents.

(b) APPLICATION.—To be eligible for a grant under subsection (a), a State, local government, or non-profit health organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used for programs relating to maternal and child health, public health, health promotion, oral health, behavioral and mental health, substance abuse, conditions that have high prevalence along the United States-Mexico border, medical and health services research, promotoras or community health workers, health care infrastructure problems in the border region (including planning and construction grants), health disparities along the United States-Mexico border environmental health, health education, outreach and enrollment services with respect to Federal programs (including the programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa et seq.), and other programs determined appropriate by the Secretary.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts provided to a grantee under a grant awarded under this section shall be used to supplement and not supplant other funds available to the grantee to carry out the activities described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.

SEC. 254. UNITED STATES-MEXICO BORDER HEALTH COMMISSION.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq)) is amended—

(1) in section 2, by inserting '', within the Office of Border Health of the Department of Health and Human Services,'' after ''to establish''; and

(2) by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act, $10,000,000 for fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.''.

Subtitle G—Community Health Workers

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Community Health Workers Act of 2002''.

SEC. 262. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

''(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States or local or tribal units, to promote positive health behaviors for women in target populations, especially racial and ethnic minority women in medically underserved communities.

''(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers—

''(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and especially among racial and ethnic minority women;

''(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

''(A) poor nutrition;

''(B) physical inactivity;

''(C) obesity;

''(D) tobacco use;

''(E) alcohol and substance use;

''(F) injury and violence;

''(G) risky sexual behavior; and

''(H) mental health problems;

''(3) to educate and guide regarding effective strategies to promote positive health behaviors within the family;

''(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, medicare under title XVIII of such Act and medicaid under title XIX of such Act;

''(5) to promote community wellness and awareness; and

''(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the activities for which assistance under this section is sought;

''(B) contain an assurance that with respect to each community health worker program receiving funds under the grant awarded, such program provides training and supervision to community health workers to enable such workers to provide authorized program services;

''(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

''(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

''(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

''(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

''(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

''(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

''(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

''(1) who propose to target geographic areas—

''(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

''(B) with a high percentage of families for whom English is not their primary language; and

''(C) that encompass the United States-Mexico border region;

''(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

''(3) with documented community activity and experience with community health workers.

''(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions. Nothing in this section shall be construed to require such collaboration.

''(f) QUALITY ASSURANCE AND COST-EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

''(g) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications and shall determine whether such programs are in compliance with the guidelines established under subsection (e).

''(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications with respect to planning, developing, and operating programs under the grant.

''(i) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant project.

''(2) CONTENTS.—The report required under paragraph (1) shall include the following:

''(A) A description of the programs for which grant funds were used.

''(B) The number of individuals served.

''(C) An evaluation of—

''(i) the effectiveness of these programs;

''(ii) the cost of these programs; and

''(iii) the impact of the project on the health outcomes of the community residents.

''(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

''(E) Recommendations regarding training to enhance career opportunities for community health workers.

''(j) DEFINITIONS.—In this section:

''(1) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health or nutrition needs; and

''(F) by providing referral and followup services.

''(2) COMMUNITY SETTING.—The term 'community setting' means a home or a community organization located in the neighborhood in which a participant resides.

''(3) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means a community identified by a State—

''(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

''(B) a significant portion of which is a health professional shortage area as designated under section 332.

''(4) SUPPORT.—The term 'support' means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

''(5) TARGET POPULATION.—The term 'target population' means women of reproductive age, regardless of their current childbearing status.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2003, 2004, and 2005.''.

Subtitle H—Patient Navigator, Outreach, and Chronic Disease Prevention

SEC. 271. SHORT TITLE.

This Act may be cited as the ''Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2002''.

SEC. 272. HRSA GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; HRSA GRANTS FOR PATIENT NAVIGATORS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''SEC. 330I. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private health centers (including health centers under section 330, Indian Health Service Centers, and rural health clinics) for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner; and

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(4) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, directly or through grants or contracts, provide for evaluations to determine which outreach activities under paragraph (2) were most effective in informing the public of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Secretary shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(5) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (b), with the program under section 417D, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private health centers (including health centers under section 330, Indian Health Service Centers, and rural health clinics) for the development and operation of programs to pay the costs of such health centers in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations for the duration of receiving health services from the health centers;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that the patient navigators provide services to such individuals in a culturally competent manner; and

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) appropriate follow-up care, including psychosocial assessment and care; and

''(iii) determining coverage under health insurance and health plans for all services.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant.

''(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(4) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, directly or through grants or contracts, provide for evaluations to determine the effects of the services of patient navigators on the individuals of health disparity populations for whom the services were provided, taking

into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Secretary shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(5) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 417D.

''(c) REQUIREMENTS REGARDING FEES.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(1) a schedule of fees or payments for the provision of its services that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(2) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Secretary shall develop a peer-reviewed model of systems for the services provided by this section. The Secretary shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) The term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) The term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) The term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) (other than the purpose described in paragraph (2)(A)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) (other than the purpose described in paragraph (2)(B)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(C) BUREAU OF PRIMARY HEALTH CARE.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Bureau of Primary Health Care.

''(2) PROGRAMS IN RURAL AREAS.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) by making grants under such subsection for model programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) by making grants under such subsection for programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(C) OFFICE OF RURAL HEALTH POLICY.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Office of Rural Health Policy.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

SEC. 273. NCI GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; NCI GRANTS FOR PATIENT NAVIGATORS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end following section:

''SEC. 417D. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Director of the Institute may make grants to eligible entities for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner; and

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services.

''(2) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is a designated cancer center of the Institute, an academic institution, a hospital, a nonprofit organization, or any other public or private entity determined to be appropriate by the Director of the Institute, that provides services described in paragraph (1)(A) for cancer or chronic diseases.

''(3) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Institute and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Institute, directly or through grants or contracts, shall provide for evaluations to determine which outreach activities under paragraph (3) were most effective in informing the public of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Director of the Institute shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (b), with the program under section 330I, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Director of the Institute may make grants to eligible entities for the development and operation of programs to pay the costs of such entities in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations for the duration of receiving health services from the health centers;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that the patient navigators provide services to such individuals in a culturally competent manner; and

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) follow-up services, including psychosocial assessment and care; and

''(iii) determining coverage under health insurance and health plans for all services.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant.

''(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Institute and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(4) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Institute, directly or through grants or contracts, shall provide for evaluations to determine the effects of the services of patient navigators on the health disparity population for whom the services were provided, taking into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Director of the Institute shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(5) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 330I.

''(c) REQUIREMENTS REGARDING FEES.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(1) a schedule of fees or payments for the provision of its services that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(2) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Director of the Institute shall develop a peer-reviewed model of systems for the services provided by this section. The Director shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Director of the Institute of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) the term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) the term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) the term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) MODEL PROGRAMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(2) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

TITLE III—HEALTH DISPARITIES

Subtitle A—Hispanic-Serving Health Professions Schools

SEC. 301. HISPANIC-SERVING HEALTH PROFESSIONS SCHOOLS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to Hispanic-serving health professions schools for the purpose of carrying out programs to recruit Hispanic individuals to enroll in and graduate from the schools, which may include providing scholarships and other financial assistance as appropriate.

(b) ELIGIBILITY.—For purposes of subsection (a), an entity is a Hispanic-serving health professions school if the entity—

(1) is a school or program under section 799B of the Public Health Service Act (42 U.S.C. 295p);

(2) has an enrollment of full-time equivalent students that is at least 5 percent Hispanic students;

(3) has been effective in carrying out programs to recruit Hispanic individuals to enroll in and graduate from the school;

(4) has been effective in recruiting and retaining Hispanic faculty members; and

(5) has a significant number of graduates who are providing health services to medically underserved populations or to individuals in health professional shortage areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

Subtitle B—Health Career Opportunity Program

SEC. 311. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq) is amended by adding at the end the following:

''SEC. 771. HEALTH CAREERS OPPORTUNITY PROGRAM.

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary may make grants and enter into cooperative agreements and contracts for any of the following purposes:

''(1) Identifying and recruiting individuals who—

''(A) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

''(B) are from disadvantaged backgrounds; and

''(C) are interested in a career in the health professions.

''(2) Facilitating the entry of such individuals into a health professions school.

''(3) Providing counseling or other services designed to assist such individuals in successfully completing their education at such a school.

''(4) Providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education designed to assist the individuals in successfully completing such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education.

''(5) Paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses) at a health professions schools, except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend may not exceed $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

''(6) Carrying out programs under which such individuals both—

''(A) gain experience regarding a career in a field of primary health care through working at facilities of nonprofit private community-based providers of primary health servvices; and

''(B) receive academic instruction to assist in preparing the individuals to enter health professions schools in such fields.

''(b) RECEIPT OF AWARD.—

''(1) ELIGIBLE ENTITIES; REQUIREMENT OF CONSORTIUM.—The Secretary may make an award under subsection (a) only if the following conditions are met:

''(A) The applicant for the award is a public or nonprofit private entity, and the applicant has established a consortium consisting of nonprofit private community-based organizations and health professions schools.

''(B) The health professions schools of the consortium are schools of medicine or osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, or podiatric medicine, or graduate programs in mental health practice (including such programs in clinical psychology).

''(C) Except as provided in subparagraph (D), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than three health professions schools.

''(D) In the case of an applicant whose exclusive activity under the award will be carrying out one or more programs described in subsection (a)(6), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than one health professions schools.

''(E) The members of the consortium have entered into an agreement specifying—

''(i) that each of the members will comply with the conditions upon which the award is made; and

''(ii) whether and to what extent the award will be allocated among the members.

''(2) REQUIREMENT OF COMPETITIVE AWARDS.—Awards under subsection (a) shall be made only on a competitive basis.

''(c) FINANCIAL REQUIREMENTS.—

''(1) ASSURANCES REGARDING CAPACITY.—The Secretary may make an award under subsection (a) only if the Secretary determines that, in the case of activities carried out under the award that prove to be effective toward achieving the purposes of the activities—

''(A) the members of the consortium involved have or will have the financial capacity to continue the activities, regardless of whether financial assistance under subsection (a) continues to be available; and

''(B) the members of the consortium demonstrate to the satisfaction of the Secretary a commitment to continue such activities,

regardless of whether such assistance continues to be available.

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award under such subsection only if the applicant agrees to make available in cash (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that, for any fourth or subsequent fiscal year for which the applicant receives such an award, is not less than 50 percent of such costs.

''(B) FEDERAL AMOUNTS.—Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

''(C) LIMITATION.—The Secretary may not require non-Federal contributions for the first three fiscal years for which an applicant receives a grant under subsection (a).

''(d) PREFERENCE IN MAKING AWARDS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—In making awards under subsection (a), the Secretary shall, subject to paragraph (3), give preference to any applicant that, for the purpose described in subparagraph (B), has made an arrangement with not less than one entity from each of the following categories of entities: Community-based organizations, elementary schools, secondary schools, institutions of higher education, and health professions schools.

''(B) PURPOSE.—The purpose of arrangements under subparagraph (A) is to establish a program for individuals identified under subsection (a) under which—

''(i) the activities described in such subsection are carried out on behalf of the individuals; and

''(ii) health professions schools make a commitment to admit as students of the schools such individuals who participate in the program, subject to the individuals meeting reasonable academic standards for admission to the schools.

''(2) ADDITIONAL PREFERENCES.—Of the applicants under subsection (a) that are receiving preference for purposes of paragraph (1), the Secretary shall, subject to paragraph (3), give additional preference to applicants whose consortium under subsection (b) includes as members one or more health professions schools that have not previously received any award under this section (including this section as in effect prior to fiscal year 1997).

''(3) LIMITATION.—An applicant may not receive preference for purposes of paragraph (1) or (2) unless the consortium under subsection (b) includes not less than one health professions school that has demonstrated success in enrolling students from disadvantaged backgrounds.

''(e) OBJECTIVES UNDER AWARDS.—

''(1) ESTABLISHMENT OF OBJECTIVES.—Before making a first award to an applicant under subsection (a), the Secretary shall establish objectives regarding the activities to be carried out under the award, which objectives are applicable until the next fiscal year for which such award is made after a competitive process of review. In making an award after such a review, the Secretary shall establish additional objectives for the applicant.

''(2) PRECONDITION FOR SUBSEQUENT AWARDS.—In the case of an applicant seeking an award under subsection (a) pursuant to a competitive process of review, the Secretary may make the award only if the applicant demonstrates to the satisfaction of the Secretary that the applicant has met the objectives that were applicable under paragraph (1) to the preceding awards under such subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $33,000,000 for fiscal year 2003, $40,000,000 for fiscal year 2004, and such sums as may be necessary for each subsequent fiscal year.''.

(b) TECHNICAL AMENDMENT.—Section 770(a) of the Public Health Service Act (42 U.S.C. 295e(a)) is amended by inserting ''(other than section 771)'' after ''this subpart''.

SEC. 312. CENTERS OF EXCELLENCE.

''For the purpose of establishing and operating health careers centers of excellence, there are authorized to be appropriated $40,000,000 for fiscal year 2003, and such sums as may be necessary for each subsequent fiscal year.

Subtitle C—Bilingual Health Professionals

SEC. 321. TRAINING OF BILINGUAL HEALTH PROFESSIONALS WITH RESPECT TO MINORITY HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall (directly or through awards of grants or contracts to public or nonprofit private entities) carry out a program—

(1) to identify health professionals who speak both English and a language used by racial or ethnic minority groups in the United States; and

(2) to train such health professionals with respect to the treatment of minority health conditions, such as diabetes, HIV infection, substance abuse, and conditions regarding mental health.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

Subtitle D—Cultural Competence

SEC. 331. DEFINITION.

(a) IN GENERAL.—In this Act, the term ''culturally competent'', with respect to the manner in which health-related services, education, and training are provided, means providing the services, education, and training in the language and cultural context that is most appropriate for the individuals for whom the services, education, and training are intended, including as necessary the provision of bilingual services.

(b) MODIFICATION.—The definition established in subsection (a) may be modified as needed at the discretion of the Secretary after providing a 30-day notice to Congress.

SEC. 332. ACTIVITIES OF OFFICE OF MINORITY HEALTH; CENTER FOR LINGUISTIC AND CULTURAL COMPETENCE IN HEALTH CARE.

(a) EDUCATIONAL MATERIALS; TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary, acting through the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u-6), shall—

(A) provide for the development of educational materials on providing health services in a culturally competent manner;

(B) provide technical assistance in carrying out programs that use such materials; and

(C) provide technical assistance on other matters regarding the provision of health services in a culturally competent manner.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated $1,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007.

(b) CENTER FOR LINGUISTIC AND CULTURAL COMPETENCE IN HEALTH CARE.—

(1) IN GENERAL.—The Secretary, acting through the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u-6), shall provide for a Center for Linguistic and Cultural Competence in Health Care to carry out programs to promote and facilitate the provision of health-related services, education, and training in a culturally competent manner.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007.

SEC. 333. CULTURAL COMPETENCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Care Financing Administration, shall conduct a cultural competence demonstration project under which grants are made to two hospitals with a history in the medicare program to enable them to implement standards for the culturally competent provision of services to address the specific needs of any population that constitutes at least 5 percent of the population served by the hospital involved.

(b) NUMBER AND TYPE.—Of the hospitals provided grants under this section, one shall be located in an urban and the other in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(d)). The urban hospital shall serve a significant limited English proficient population and be within 175 miles of the border with Mexico. In selecting such hospitals, the Secretary shall give preference to hospitals that serve large immigrant populations.

(c) AMOUNT AND DURATION OF GRANT.—A grant under this section for a hospital shall be in the amount of $5,000,000 and shall be for a period of 5 years.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall also provide for a grant to an appropriate qualified entity in an amount not to exceed $1,000,000 to evaluate the demonstration projects conducted under this section.

(2) REPORT.—The Secretary shall submit to Congress a report on the projects conducted under this section. The Secretary shall include in such report the results of the evaluation conducted under paragraph (1) and recommendations on whether on going medicare funding should be provided for implementation of standards for cultural competency in hospitals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Hospital Insurance Trust Fund (under section 1817 of the Social Security Act (42 U.S.C. 1395i) to carry out this section, $11,000,000, which shall remain available until expended.

Subtitle E—Data Regarding Race and Ethnicity

SEC. 341. COLLECTION OF DATA.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 306 the following:

''SEC. 306A. DATA ON RACE AND ETHNICITY.

''(a) IN GENERAL.—The Secretary shall by regulation provide for the following:

''(1) Health data collected under programs carried out by the Secretary (whether collected directly or pursuant to grants, cooperative agreements, or contracts) shall include data on race, ethnicity, and spoken and written language and shall, at a minimum, use the categories for race and ethnicity described in OMB Directive 15.

''(2) Data collected by the Secretary pursuant to title VI of the Civil Rights Act of 1964 shall include data on race and ethnicity and shall, at a minimum, use such categories.

''(3) Data on race and ethnicity that is collected under paragraph (1) or (2) shall use the

procedures described in such Directive for collecting data from an individual, and shall be maintained and presented (including for reporting purposes) in accordance with such Directive.

''(4) For health encounters that require the presence of a legal parent or guardian who does not speak English or who is limited English proficient, health data collected by the Secretary pursuant to this section shall also include data on the of the accompanying adult or guardian.

''(5) Such other data as the Secretary may designate (including administrative records) shall be collected, maintained, and presented in accordance with such Directive, to the extent that such data are collected by the Secretary and relate to health-related programs that are carried out by the Secretary.

''(b) DEFINITION.—In this section, the term 'OMB Directive 15' means Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting, as established by the Director of the Office of Management and Budget through the notice issued October 30, 1997 (62 FR 58782). Such term includes any subsequent revisions to such Directive.''.

SEC. 342. DEVELOPMENT OF STANDARDS; STUDY TO MEASURE PATIENT OUTCOMES UNDER MEDICARE AND MEDICAID PROGRAMS.

(a) DEVELOPMENT OF STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Administrator of the Health Care Financing Administration, shall develop outcome measures to evaluate, by race and ethnicity, the performance of health care programs and projects that provide health care to individuals under the medicare and medicaid programs (under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.).

(b) STUDY.—After the Secretary develops the outcome measures under subsection (a), the Secretary shall conduct a study that evaluates, by race and ethnicity, the performance of health care programs and projects referred to in subsection (a).

(c) REPORT TO CONGRESS.—Not later that 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the outcome measures developed under subsection (a), and the results of the study conducted pursuant to subsection (b).

Subtitle F—National Assessment of Status of Latino Health

SEC. 351. NATIONAL ASSESSMENT OF STATUS OF LATINO HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a national assessment of the status of Latino health to be known as the ''Hispanic Health and Nutrition Examination Survey'' or ''HHANES II''.

(b) GOAL.—The goal of the national assessment under subsection (a) shall be to produce estimates of health and nutritional status for Mexican Americans, Puerto Ricans, Cuban Americans, and other Hispanic subpopulations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary in each of fiscal years 2003 through 2005 to carry out this section.

Subtitle G—Office of Minority Health

SEC. 361. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

''(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

''(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

''(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

''(A) Support research, demonstrations and evaluations to test new and innovative models.

''(B) Increase knowledge and understanding of health risk factors.

''(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

''(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

''(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

''(3) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

''(5) Not later than June 8 of each year, the Deputy Assistant Secretary shall submit to the Secretary a report summarizing the activities of each of the minority health offices under section 1707A.

''(c) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

''(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices established under section 1707A, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

''(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations to the Deputy Assistant Secretary regarding activities under subsection (b)(4).

''(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

''(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 724, 736, 737, 738, or 740, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

''(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

''(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

''(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

''(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that an award is made for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

''(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1998 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 1707A(e) for such years by the heads of the minority health offices.

''(g) DEFINITION.—For purposes of this section:

''(1) RACIAL AND ETHNIC MINORITY GROUP.—The term 'racial and ethnic minority group' means American Indians (including Alaskan Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

''(2) HISPANIC.—The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 2003, $25,000,000 for fiscal year 2004, and $28,000,000 for fiscal year 2005.

''(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(E).''.

SEC. 362. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

''SEC. 1707A. INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE.

''(a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

''(b) SPECIFIED AGENCIES.—

''(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

''(A) The Centers for Disease Control and Prevention.

''(B) The Agency for Healthcare Research and Quality.

''(C) The Health Resources and Services Administration.

''(D) The Substance Abuse and Mental Health Services Administration.

''(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office' includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

''(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various racial and ethnic minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of racial and ethnic minority groups, no such group is disproportionately represented.

''(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to carry out the following:

''(1) Determine the extent to which the purposes of the programs are being carried out with respect to racial and ethnic minority groups;

''(2) Determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

''(3) Make recommendations to the head of such agency on carrying out the programs with respect to such groups. In the case of programs that provide services, such recommendations shall include recommendations toward ensuring that—

''(A) the services are equitably delivered with respect to racial and ethnic minority groups;

''(B) the programs provide the services in the language and cultural context that is most appropriate for the individuals for whom the services are intended; and

''(C) the programs utilize racial and ethnic minority community-based organizations to deliver the services.

''(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

''(1) the extent to which the minority health office of the agency employs individuals who are members of racial and ethnic minority groups, including a specification by minority group of the number of such individuals employed by such office; and

''(2) the manner in which the agency is complying with Public Law 94–311 (relating to data on Americans of Spanish origin or descent).

''(f) DEFINITIONS.—For purposes of this section:

''(1) MINORITY HEALTH OFFICE.—The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

''(2) RACIAL AND ETHNIC MINORITY GROUP.—The term 'racial and ethnic minority group' has the meaning given such term in section 1707(g).

''(3) SPECIFIED AGENCY.—The term 'specified agency' means—

''(A) an agency specified in subsection (b)(1); and

''(B) the National Institutes of Health.

''(g) FUNDING.—

''(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

''(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.''.

SEC. 363. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) IN GENERAL.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''SEC. 229. ASSISTANT SECRETARY FOR CIVIL RIGHTS.

''(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking ''(6)'' and inserting ''(7)''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 145—RECOGNIZING AND COMMENDING MARY BAKER EDDY'S ACHIEVEMENTS AND THE MARY BAKER EDDY LIBRARY FOR THE BETTERMENT OF HUMANITY

Mr. KENNEDY. (for himself, Mrs. CLINTON, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 145

Whereas the Mary Baker Eddy Library for the Betterment of Humanity will officially open on September 29, 2002, in Boston, Massachusetts, thereby making available to the public the Mary Baker Eddy Collections, one of the largest collections of primary source material by and about an American woman;

Whereas the namesake of the Library, Mary Baker Eddy, achieved international

prominence during her lifetime (1821–1910) as the founder of Christian Science and was the first woman in the United States to found and lead a religion that became an international movement with members in 139 countries;

Whereas historians compare Mary Baker Eddy to 19th century women reformers like Elizabeth Cady Stanton and Susan B. Anthony, who took leadership roles at a time when women infrequently did so;

Whereas Mary Baker Eddy founded and served as the pastor of her own church, the First Church of Christ, Scientist, in Boston, and established a publishing organization that produces numerous publications, including ''The Christian Science Monitor'', an international daily newspaper that has won 7 Pulitzer Prizes;

Whereas in recognition of the numerous achievements of Mary Baker Eddy, the Women's National Hall of Fame inducted her into its membership in 1995 for having made ''an indelible mark on society, religion, and journalism'';

Whereas the Mary Baker Eddy Library, a facility of 81,000 square feet, provides a place for people to come together to explore ideas and offers on-site and online educational experiences, programs, and exhibits;

Whereas the Mary Baker Eddy Collections consist of more than 100,000 documents, artifacts, photographs, and other media that chronicle the development of Mary Baker Eddy's ideas and offer an unequalled resource to scholars in women's history and mind-body medicine;

Whereas the Library's initiative to make the previously unpublished materials in the Mary Baker Eddy Collections available to the public is exemplary of, and in full accord with, the intent of the provisions of title 17, United States Code, relating to the publication of previously unpublished materials; and

Whereas the Mary Baker Eddy Library will establish an Institute for the Rediscovery and Preservation of the History of Women in Seneca Falls, New York, the birthplace of the first Women's Rights Convention, in order to showcase new research on the forgotten histories of women and offer educational programs for students: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and commends—

(1) Mary Baker Eddy for her outstanding achievements and contributions, particularly her contributions to the advancement of women's rights as a public figure and role model in the early stages of the women's rights movement; and

(2) the Mary Baker Eddy Library for the Betterment of Humanity, which will open to the public on September 29, 2002.

Mr. KENNEDY. Mr. President, it is a privilege to submit, on behalf of myself, Senator CLINTON and Senator HUTCHISON, a concurrent resolution to recognize the achievements of Mary Baker Eddy and the opening of the Mary Baker Eddy Library for the Betterment of Humanity. The Library, which officially opens to the public on September 29, will provide public access to the Mary Baker Eddy papers, one of the largest collections of primary source material by and about an American woman.

The Library will provide invaluable insight to Mary Baker Eddy's remarkable life and serve as an important resource for scholars, researchers and the public. Its mission will sustain her powerful legacy that ideas can inspire individuals, empower them and transform their lives.

The Mary Baker Eddy Library, a facility encompassing over 80,000 square feet, will be a dynamic meeting place for people to explore ideas through its on-sight and on-line educational experiences, programs and exhibits. So, too, its unique Mapparium will once again available to visitors to the Library. The collections consist of over 100,000 documents, artifacts, photographs and other media that chronicle the development of Mary baker Eddy's ideas and offer an unparalleled resource for scholars in women's history, spirituality and journalism.

The Library's effort to release previously unpublished materials in the Mary Baker Eddy Collections to the public will enrich our understanding of her extraordinary achievements. In conjunction with this facility in Boston, the Library will also establish an Institute for the Rediscovery and Preservation of the History of Women in Seneca Falls, New York, the birthplace of the first Women's Rights Convention, in order to showcase research on the forgotten histories of women and offer a wide range of educational programs for students.

I am pleased to submit this resolution to recognize this outstanding woman and the richness of her accomplishments. I would also like to congratulate Virginia Harris for her efforts to ensure that the Mary Baker Eddy Library became a reality and for her tireless energy and visionary leadership as Chairman of the Board of the Christian Science Church.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4698. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4698. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

Subtitle C—Small Business Procurement Goals

SEC. 521. SMALL BUSINESS PROCUREMENT GOALS.

(a) IN GENERAL.—In regards to procurement contracts of the Department, the Secretary shall annually establish goals for the participation by—

(1) small business concerns;

(2) small business concerns owned and controlled by service-disabled veterans;

(3) qualified HUBZone small business concerns;

(4) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(5) small business concerns owned and controlled by women.

(b) DEFINITIONS.—The terms used in subsection (a) have the meaning given the terms in section 3 of the Small Business Act (15 U.S.C. 632) and relevant regulations promulgated thereunder.

(c) DEPARTMENT GOALS NOT LESS THAN GOVERNMENT-WIDE GOALS.—Notwithstanding section 15(g) of the Small Business Act (15 U.S.C. 644(g)), each goal established under subsection (a) shall be equal to or greater than the corresponding Government-wide goal established by the President under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

(d) INCENTIVE FOR GOAL ACHIEVEMENT.—Achievement of the goals established under subsection (a) shall be an element in the performance standards for employees of the Department who have the authority and responsibility for achieving such goals.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, September 24, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the ''Role of the Special Trustee'' within the Department of Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 25, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to consider S. 958, the Western Shoshone Claims Distribution Act, and H.R. 2880, the Five Nations Citizens Land Reform Act, to be followed immediately by a hearing to receive testimony on the President's appointment of Quanah Crossland Stamps to serve as Commissioner for the Administration for Native Americans, and the appointment of Phil Hogen to serve as Chairman of the National Indian Gaming Commission.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 26, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on ''Intra-tribal Leadership Disputes and Tribal Governance.''

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet during the session of the Senate on Monday, September 23, 2002, at 2:30 p.m., in open session to continue to receive testimony on U.S. policy on Iraq.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on ''Hispanic Health: Problems with Coverage, Access, and Health Disparities'' during the session of the Senate on Monday, September 23, 2002, at 2 p.m., in SD–430.

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

ORDERS FOR TUESDAY, SEPTEMBER 24, 2002

Mr. REID. Mr. President, in the morning it is my understanding that we are going to open at 9:30 and go to the 45 minutes and 15 minutes that Senators BYRD and LIEBERMAN have on the cloture. Is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, following consultation with Senators BYRD and LIEBERMAN, I ask unanimous consent that at 9:30, or as soon as the prayer and pledge are completed, Senator SARBANES be recognized for 5 minutes; that Senator DORGAN be recognized for 5 minutes; Senator WELLSTONE be recognized for 5 minutes; Senator CANTWELL for 5 minutes; Senator MURRAY for 5 minutes. Then, at approximately 9:55, Senator LIEBERMAN would be recognized for 5 minutes on his own time; Senator JEFFORDS would be recognized at approximately 10 a.m. for 5 minutes; Senator BOXER would be recognized for 5 minutes following that; then Senator STABENOW would be recognized for 5 minutes; following that, Senator BYRD would be recognized for whatever time is remaining; and that Senator LIEBERMAN would have 10 minutes remaining and he and Senator THOMPSON would close the debate.

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

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:25 a.m., Tuesday, September 24; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date; the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Homeland Security Act under the previous order; further, that the live quorum with respect to the cloture motions filed earlier today be waived and that the Senators have until 1 p.m. to file first-degree amendments notwithstanding the recess of the Senate.

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

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur at about 10:30 tomorrow morning on the Byrd amendment to the Homeland Security Act regarding orderly transition. Following this vote, there will be a period for morning business until 12:30 for tributes to Senator STROM THURMOND. The Senate will recess from 12:30 to 2 p.m. for the weekly party conferences. Then at 2 p.m., the Senate will resume consideration of the Homeland Security Act with 15 minutes of debate on the Lieberman-McCain amendment regarding a September 11 commission prior to a vote at approximately 2:15 p.m.

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

Mr. REID. I very much appreciate the courtesy of the Republican leader. He is going to be the final speaker today and rather than having me wait until he completes his statement, he was very courteous, as he always is, to allow me to do the wrap-up now.

ORDER FOR ADJOURNMENT

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 following the statement of the Republican leader.

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

SPECIAL COMMISSIONS

Mr. LOTT. Mr. President, let me begin tonight with a quote from Federalist Paper No. 37, January 11, 1789, by James Madison.

> It is misfortune, inseparable from human affairs, that public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good.

James Madison believed then it would always be very hard to investigate events and do it in such a way, in moderation and without partisanship, that the public would be able to find out what really happened and then determine what should be done in the future to keep it from happening again—to advance the good or obstruct the bad.

Another quote goes from an anonymous source goes something along the lines of: If God had created a commission to establish Heaven and Earth, we wouldn't be here today.

Mr. President, my own experiences with commissions over 30 years in Congress have not been good. I view Congressional commissions as an abdication of responsibility. What are we for? Why do we have an Armed Services Committee, an Intelligence Committee, a Governmental Affairs Committee, or a Foreign Affairs Committee?

It seems to me that we in Congress should do the work of reviewing the laws and overseeing the agencies and the various departments. Are they serving the public the right way? In a responsible way? Or is there an abdication of responsibility and duty by the various administrations in charge of running our government?

One of the reasons I have never supported BRAC, the various base closure commissions, is that when we create those commissions we are basically saying: We do not have the courage to do it; do not let us know what is going on; shove it off on a commission and let them do it.

But in the past closing excess bases had always been handled without a commission after every previous war. However, about 20 or 25 years ago Congress started to say: No, we cannot do that, we will not do it.

In the past after previous wars how was the military scaled down? Pentagon officials and other administration officials—after World War I, after World War II, after the Korean war—would send recommendations to the Congress regarding excess capacity and bases they felt were no longer needed. And unless Congress blocked it, the bases were closed. I bet every State in the Nation still has bases left over from World War II. In my own State, we had bases in Hattiesburg, in Greenville, MS, and Greenwood, MS. Some of the finest airport runways in our State are the very sturdy concrete runways that were built during World War II for air training facilities.

Congress simply acted and then the administration acted. Then powerful members of Congress started saying: No, you cannot close my base; close someone else's base. That is what ultimately led to the creation of commissions.

I have no doubt about the integrity and the good intentions of Senator LIEBERMAN and Senator MCCAIN with their proposal to create an independent commission to investigate September 11, 2001. How did that attacks happen, where were the failures, and how can we avoid repeating them. I know these two men. They are men of good faith that feel so strongly about our country they want this to be a positive thing. They envision some commission of grand pooh-bahs and gray eminences that will assemble and give us the benefit of their great wisdom, men and women who have been in the Government, been in the intelligence community, been in Congress, and thus could do the country a great service.

Mr. President, the track record of that happening is unfortunately very poor. As with all commissions, there are fundamental problems with this commission. Of course, we are now in the second iteration of how this commission would be set up and I presume there will be a third and a fourth. I presume the House will have yet a different version after they go through their iterations of a commission. And then the Administration has concerns that will have to be addressed as well.

Let me point out where a few of the problems with this particular commission are. Initially, the first draft of the Lieberman-McCain proposal would have had 14 Members, 5 appointed by the Democrat leaders in Congress, 5 by the Republican leaders in Congress and 4 by the President with the President naming the chairman.

Then someone figured out, wait a minute; that means there would be nine Republicans and five Democrats. That doesn't look bipartisan enough. So they said we cannot do that.

Now what is actually in the legislation as proposed is that five people would be appointed by the Democratic leadership and five by Republicans. Senator DASCHLE appoints three; I would appoint two; the Speaker would appoint three; and Congressman GEPHARDT, two—for a total of 10 members. However, there are no Presidentially appointed members, and no process for selecting a chairman. The bill just says there will be a chairman and a vice chairman of opposite parties. So, wonderful, how are the Chairman and Vice Chairmen going to be chosen. By Heaven?

If the commission were constituted that way they would be meeting 3 months just to pick their chairman. Which Member is going to break ranks and vote with the other five? I know the presumption is that these will be men and women of such eminence and prominence that they would meet, all 10 of them, and quickly decide on a chairman and a vice chairman and they would move along swiftly.

It ''ain't'' going to happen. I have had direct personal experience with a few commissions over the past 10 years, particularly when I was majority leader. I was involved in setting up a gaming commission to look at gaming in America, the effects of gaming, Internet and Indian gaming and the problems associated with gambling. I don't know how much money they spent for that commission. And good men and women were on that commission—men, women, minorities, and Native Americans representing all the various viewpoints. It was well constituted and the people who appointed the members did an exceptionally good job.

The commission members met, they acted seriously, they went all over the country, they thought about it, and they filed a report, and closed up their commission. I bet not one U.S. Senator ever read the report, ever. And I am embarrassed to say I read an outline and kind of glanced over it. I was not an advocate of the gaming commission, but I went along with it at the request of, among others, my great friend from Indiana, Dan Coats. Good work. Good intentions, Mr. President. Nothing came of it.

Even more recently, we had the Breaux Commission on Medicare. That was an interesting one, too. I think it was set up correctly number-wise, with good people: JAY ROCKEFELLER from the Finance Committee; Bob Kerrey, a very innovative thinker on Medicare; Dr. BILL FRITZ was appointed on our side; Senator PHIL GRAMM, certainly one of the most knowledgeable Senators in this area who is also on the Finance Committee. Even former Finance Committee Chairman Pat Moynihan was on it.

We also had people from the real world on the commission. I know a woman on the commission who was over 70 with silver hair—I will not mention her name because I cannot connect it to her age. She dealt with Medicare on a daily basis. She benefitted from Medicare. She knew what she was talking about. We had all these people who knew what Medicare was suppose to do for the nation's seniors, in theory. It was a great commission.

JOHN BREAUX was the chairman. I might note that it was interesting how JOHN got to be chairman. I remember specifically talking to President Clinton about somebody both sides could accept. We settled on JOHN and he took it and did a good job. The commission met and their meetings were on C–SPAN. They did a lot of thoughtful work, they had good debate, and they made excellent recommendations. They issued a commission report detailing their great recommendations.

What happened to their report Mr. President? Nothing. None of their recommendations have been implemented or acted on. And, by the way, they called for providing a prescription drug benefit. They had a plan to do it without bankrupting the entire Medicare system. It was the Breaux proposal and then the Breaux-Frist proposal. It was a tremendous effort. But nothing ever came of it.

So the track record on Commissions is not good. I don't want this to be a commission that is not set up right, that spends millions of dollars for nothing. I am told it is just $3 million, but I bet it winds up being closer to $12 million or more and that does not count the cost of the assistance that the other parts of the federal government are required to give it under the proposed bill. The commission will also stretch out over 18 months. When its report is ultimately filed, it will garner headlines and discussion on the weekend talk show for a week or two, but then it will be forgotten and not much will come of it.

Mr. President, I sincerely hope that if we do create the commission that I am wrong. But I don't think the prospects or the track record look very good.

Now, again, as I have said, the actual language of the amendment concerns me in many respects. For instance, it says that one of the purposes of the commission would be:

> . . . to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks.

However, there is no provision in this bill as to how the commission will have to deal with the evidence they are given by the Department of Justice, U.S. Attorneys, Federal courts, and others in order to safeguard it. Would the public, and our enemies, be able to get this information through the Freedom Of Information Act or not? I suppose this issue can be addressed, but it is not clear in the bill as written and it needs to be.

Mr. President, the commission is also given almost total access to the nation's classified information, yet again there is nothing in the proposal that requires or directs the commission to safeguard it. The Senate and House Intelligence Committees have strict rules and elaborate procedures—as does the CIA, DOD, the National Security Agency and other entities entrusted with the nation's top secret information for protecting such information. Yet, there is there is no explicit requirement in this bill for this commission to protect our national secrets.

But again, that is why I like the joint House-Senate Intelligence Committee's efforts—it is equally divided among the parties, they have experience dealing with classified information, and they have settled procedures for handling such information.

Astoundingly, it appears that most of this new commission's proceedings would have to be public since they would be subject to the Federal Advisory Committee Act and that it materials available to the public under the Freedom of Information Act despite that fact that the Commission would be dealing with some of our most important and best kept secrets.

I also have concerns about the procedures for using and the extent of the subpoena authority granted the commission under this amendment. It appears that once elected, the Chairman, Vice Chairman, or even the Chairman of a Subcommittee created by the Commission, can issue any and all subpoenas he or she desires without having to go back to the rest of the Commission for permission, approval, or even a vote on the wisdom or propriety of their subpoena. We do not generally grant such unilateral subpoena authority to Chairman and Ranking members in Congress.

Mr. President, I have been opposed to this commission thus far. First, of course, as I have said, because I oppose commissions almost universally because I do not think they produce good results and because that is what we in Congress are for. But second—and one of the things I have been thinking about—is because we have already had the joint intelligence committee, House and Senate, looking into this matter. Those members have been working through these issues. They are still working on it. They have not yet completed their work. We have not received a final report. We are getting a few preliminary staff reports. Nevertheless, it seems we are going to go ahead and have this vote before we even get to see what the final results of Congress' own inquiry are.

By the way, I do wish the Joint Committee would do their work and tell Congress what we need to do to protect Americans from terrorism in the future. If we need to change even more about how our intelligence community operates, let's do it. I think we can do it in a bipartisan way.

Mr. President, I note that the amendment as proposed also states that the commission will:

. . . make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks . . . [and] investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

I wonder if the sponsors are aware that, since 1995, the Government has produced reams of materials regarding counter-terrorism, intelligence activities, and aviation security. Since 1995, seven commissions have dealt in this area and issued 10 separate reports prior to 9/11.

One of the past commissions was the so-called Gilmore Commission. Its official name was the ''U.S. Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction.'' The Gilmore Commission submitted three reports to the President and Congress. The first one submitted in 1999 was titled ''Assessing the Threat.'' The second submitted in 2000 was titled, ''Toward a National Strategy for Combating Terrorism.'' The final report submitted just before the 9/11 attacks was titled ''For Ray Downey.''

The panel consisted of government officials and infrastructure specialists who examined domestic and international threats to the homeland, and made many recommendations for increased security and better coordination between federal and state agencies in combating terrorism.

Then there was the Hart-Rudman Commission led by two very respected Senators. Its official title was the ''U.S. Commission on National Security in the 21st Century'' and it ultimately issued reports and specific recommendations in 1999, 2000, 2001.

The reports were titled ''New World Coming: Major Themes and Implications'' (1999); ''Seeking a National Strategy'' (2000); and ''Road Map for National Security: Imperative for Change'' (2001). The commission, which was chartered by then Secretary of Defense William Cohen, had a broad mandate to study ''the anticipated security environment in the early 21st Century.'' Its recommendations in three reports call for a counter-terrorism policy focus on deterrence and domestic preparedness capabilities. Most significantly, the Commission recommended establishing a Homeland Security Agency while noting the need for more human intelligence.

Then there was the ''IC21: The Intelligence Community In The 21st Century'' Report. This was done by the House Permanent Select Committee on Intelligence which published the report in 1996. The goal was to ''define the type of intelligence community which would best meet the U.S. national security needs into the next century.''

There was the so-called Bremer Commission created by Public Law 105–277 and officially titled the ''U.S. National Commission on Terrorism and National Security in the 21st Century.'' The Bremer Commission released its report in 2000 and recommended a more aggressive domestic and foreign policy in combating terrorism.

Then there was the Aspin-Brown Commission, led by two more well respected gray eminences of the kind we are talking about—former Congressman Aspin and former Secretary of Defense Harold Brown. The Commission was created by Public Law 103–539 and charged with ''Preparing for the 21st Century and Appraisal of U.S. Intelligence.''

They made three findings in 1996: That the United States needed to better integrate intelligence into the policy community, needed for intelligence agencies to operate as a community, and needed to create greater efficiency and bring more rigor and modern management practices to the system. This was in 1996.

A really important commission was the ''U.S. White House Commission On Aviation Safety and Security,'' which issued a report from its Chairman—Vice President Gore to President Clinton in 1997. It was a good report. It also had specific recommendations about how to improve aviation security. What happened to it? Nothing was acted on. Congress didn't act on it. Good work was done. This commission was tasked with developing ''a strategy to improve aviation safety and security, both domestically and internationally.''

Let's look at a few of the recommendations this report made in 1997—over four years before the 9/11 attacks took place. The very first paragraph in the report's 3rd Chapter—titled ''Improving Security for Travelers''—said the following:

The Federal Bureau of Investigation, the Central Intelligence Agency, and other intelligence sources have been warning that the threat of terrorism is changing in two important ways. First, it is no longer just an overseas threat from foreign terrorists. People and places in the United States have joined the list of targets, and Americans have joined the ranks of terrorists. The bombings of the World Trade Center in New York and the Federal Building in Oklahoma City are clear examples of the shift, as is the conviction of Ramzi Yousef for attempting to bomb twelve American airliners out of the sky over the Pacific Ocean. The second change is that in addition to well-known, established terrorist groups, it is becoming more common to find terrorists working alone or in ad-hoc groups, some of whom are not afraid to die in carrying out their designs.

Mr. President, that one chapter went on to make 31 recommendations for improving aviation security. Some of those recommendations given over four years before 9/11 tragedy were as follows:

Recommendation 3.7—The FAA should work with airlines and airport consortia to ensure that all passengers are positively identified and subjected to security procedures before they board aircraft.

Recommendation 3.9—Assess the possible use of chemical and biological weapons as tools of terrorism.

Recommendation 3.10—The FAA should work with industry to develop a national program to increase the professionalism of the aviation security workforce, including screening personnel.

Recommendation 3.11—Access to airport controlled areas must be secured and the physical security of aircraft must be ensured.

Recommendation 3.14—Require criminal background checks and FBI fingerprints for all screeners, and all airport and airline employees with access to secure areas.

Recommendation 3.17—Establish an interagency task force to assess the potential use of surface-to-air missiles against commercial aircraft.

Recommendation 3.19—Complement technology with automated passenger profiling.

Recommendation 3.20—Certify screening companies and improve screener performance.

Recommendation 3.21—Aggressively test existing security systems.

Recommendation 3.23—Give properly cleared airline and airport security personnel access to the classified information they need to know.

Recommendation 3.24—Begin implementation of full bag-passenger match.

Recommendation 3.26—Improve passenger manifests.

Recommendation 3.27—Significantly increase the number of FBI agents assigned to counter-terrorism investigations, to improve intelligence and to crisis response.

Mr. President, all of this information is in the public record. It is there. Why don't we make use of it?

The list goes on. There were over 90 GAO reports before 9/11 and now there are over 50 GAO reports on Aviation and National Security and Terrorism since 9/11. There was a 1999 report titled ''The FBI 30-year Retrospective Special Report on Counter-terrorism'' that was put out by the FBI's Counter-Terrorism Division and which detailed 30 years of terrorism. It was done after terrorists were caught in 1999 trying to smuggle bomb-making materials into Jordan, and into the US from Canada in Washington State to disrupt celebrations of the Millennium.

That report gave the American public the following assurances in 1999:

In November 1999, the FBI restructured its National Security Division to create, for the first time, a division-level component dedicated specifically to combating terrorism.

In 1999 the FBI established the Counterterrorism and the Investigative Services divisions to further enhance the operational and analytic focus on the full range of activities in which violent extremists engage.

The FBI's 30-year retrospective report concluded with the following—as it turned out false—assurance in 1999:

While the threat is formidable, the U.S. intelligence and law enforcement community have developed an effective and highly integrated response to the [counter-terrorism threat.] . . . Increasingly, the FBI's efforts involve the assistance and cooperation of other intelligence and law enforcement agencies. The threats of the new Millennium require such an integrated and aggressive response.

Mr. President, do you see my point? Good work has been done by good men and women, experts in this field, reports on what we need to do in order to do a better job—in 1996, 1997, 1998 and 1999 and 2000 and 2001. All this good work by the commissions, the GAO, the FBI, and others has not resulted in us doing anything about it.

Now we are going to have one more commission report. These are the commission reports on my desk that have been done already since 1995—a pretty good stack. It is very interesting reading.

The GAO report here, just on the top, ''Combating Terrorism, FBI'S Use of Federal Funds for Counter-terrorism and Related Activities''—there is just simply a plethora of counter-terrorism reports available making thousands of recommendations. These reports did not look at the specific events that led up to 9/11 and what happened and what we have learned from that, but they did look at what we should have been doing to prevent it.

I think, unfortunately, this commission amendment is probably going to be agreed to, but I wanted to raise my concerns about the way the commission amendment is drafted, the way the commission would be created, the cost that would be involved, and the likelihood that at the end of the day its findings will meet the fate of those from so many commissions before it.

As to money, I am sure they are starting off way low. They will be back asking for an increase in money within 3 to 6 months. I have already experienced that, too. In fact, one of the commissions I referred to earlier came back wanting more money, they wanted a little bit more, they came back yet a second time but I said: No. Wrap it up.

So I just do not think this is a wise thing to do. I think we ought to do it, or I think the administration ought to do it, but somebody needs to grab hold of this and do it the right way. Maybe the joint intelligence committee can still give us what we need in order to decide if we need more laws or if we need more reform within the intelligence community. But this commission is not going to bring us a lot more. It may get a few big headlines. It is going to cost a lot more money. Yet, I doubt if much will come out of it.

By the way, probably the earliest we will get anything out of it specifically would be 18 months from now. Goodness gracious, if we need to take action on what we have learned and what we know, are we going to wait for 18 months to see this commission report before we act? By the time this commission acts, I fervently hope that Congress will already have done everything that needs to be done as a result of the events of 9/11.

I thank the Chair for showing patience, and the staff here. I do not want to keep them too long. But I was afraid I would not get an opportunity to raise these questions tomorrow before we go to the vote. Maybe there will be a stampede to just get this done, but, boy, we are going to need to do a lot of work before we enact it into law.

I believe we are ready to complete our work for the day. I yield the floor.

ADJOURNMENT UNTIL 9:25 A.M. TOMORROW

The PRESIDING OFFICER (Ms. CANTWELL). Under the previous order, the Senate stands adjourned until 9:25 tomorrow morning.

Thereupon, the Senate, at 7:07 p.m., adjourned until Tuesday, September 24, 2002, at 9:25 a.m.