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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

### PRAYER

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

Gracious God, You open Your heart to us. You assure us of Your unqualified and unlimited love. In spite of all the changes in our lives, You never change. We hear Your assurance, "I love you. I will never let you go. You are mine. I have chosen and called you to know, to love, and to serve Me."

In response, we open our hearts to You. We choose to be chosen. We accept Your love and forgiveness and turn our lives over to Your control. We confess anything we have said or done that deserves Your judgment. Cleanse our memory of any failures that would haunt us today and give us the courage to act on specific guidance You have given but we have been reluctant to put into action. We commit to You our families, our friends, and those with whom we work. Help us to communicate Your creative delight in each person's uniqueness and potential.

We dedicate this day's work of this Senate. Bless the Senators with a renewed sense of Your presence, a rededication of their calling to serve You and our Nation, and a reaffirmation of their dependence on You. Through our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 22, 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 EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Nevada, is recognized.

### ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on H.R. 3009.

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

### SCHEDULE

Mr. REID. Mr. President, the Senate is going to be in a period of morning business until 10:30. Senator KENNEDY has the first half hour. At 10:30 the Senate will resume consideration of the trade bill, with 60 minutes of debate equally divided between the two leaders or their designees. At 11:30 we will vote on cloture on the Baucus substitute amendment. Senators have until 10:30 today to file.

If cloture is invoked today, we will go under the postcloture procedure. There are a number of germane amend-

ments. We hope we can work our way quickly through those.

The Appropriations Committee, at 2 o'clock today, is going to meet to mark up, we hope, the supplemental appropriations bill which Senator BYRD and the leader have indicated they would like to try to finish before the week's end.

We have a lot of work to do and not a lot of time to do it, so everyone is going to have to be cooperative if we are going to depart at a decent hour on Friday.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have 15 minutes, is that correct, or do we have the whole half hour?

The ACTING PRESIDENT pro tempore. The Senator has 27 minutes.

Mr. KENNEDY. It is 27 minutes. I ask unanimous consent I be in control of that time.

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

### EDUCATION

Mr. KENNEDY. Mr. President, as I have done on other occasions, I want to bring attention of the Senate to where

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



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we are in education funding, an issue which is of central concern to families all over this country. I think if we asked the families across America—I know around Massachusetts—they are obviously concerned, particularly in the last few days and certainly in the last few months about the dangers of terrorism. They want to be sure we are going to be able to support our forces overseas. They are very concerned about it.

In my State, even with the rosy predictions of some, we still have communities with sizable unemployment. Families have a great deal of uncertainty about their future.

But right underneath the surface are two other major issues. One is health care, and that is reflected in the cost of prescription drugs and the availability of prescription drugs, but, second, and equal to that, is the question of ensuring their children will receive a quality education.

We addressed that issue in the Elementary and Secondary Education Act last year. We worked together with President Bush. We are proud of the fact we were effective in working together, bridging many of the differences. We were able to get a sizable downpayment for that legislation.

We have still left many children behind. Even though the bill is called No Child Left Behind, we are still leaving millions of children behind. Under the administration's proposal, we are going to even leave additional children behind.

As this chart shows, as we started the proposal last year, the Bush proposal was 3.5 percent. We were able to effectively get it up to 20 percent.

All of us are very familiar with the statements, the comments the President has made about how we all have responsibility. Students have responsibility and accountability; schools have responsibility; parents have responsibility.

That raises another issue. In the drafting of the rules, I think all of us understand the first educator for a child is the parents. We have put a special requirement in the legislation to make sure parents will be involved every step along the way in the implementation of the act we passed last year.

So it brings us some dismay that the administration has failed to do that, and done this in such a way that the parents are now bringing a suit against the administration because they are being excluded at the local level. That makes no sense. We should welcome parents in at the local level. We should welcome parents into the process of the education of their children.

But very quickly, before leaving this chart, I, again, want to show from the 3.5-percent increase, we were able to raise that up to 20 percent. We heard the administration talk a great deal, with the great sense of pride they had, with all the additional resources, and now it is back to 2.8 percent.

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

Mr. KENNEDY. Please.

Mr. DURBIN. I think the Senator has hit an important point when we talk about the future of education and teachers. That chart tells an interesting story.

In Illinois, when I went to one of the universities that graduates more teachers than other schools, I said: What are we going to do about the shortage of teachers which we are facing in America? How are we going to find more teachers?

They said: Certainly we need more teachers, and good teachers, but our biggest problem is retaining teachers. Teachers who are educated, who graduate with student loans and the burdens that they face, start teaching in a classroom and after 2 or 3 years get discouraged, leave the classroom and go into the private sector. They said that we have to find a way to retain good teachers.

That is also an important element.

What the Senator pointed out here is that if the Bush administration will not continue its funding level for teachers, there is going to be unpredictability, unreliability for the teacher in the future.

My State is facing budget problems. Most are. They are going to be cutting back on education. So the double hit from both State funding and the Bush administration's refusal to fund its own education bill is going to jeopardize the number of teachers who are going to be available.

I think that is going to create problems far beyond next year.

Mr. KENNEDY. I appreciate what the Senator has pointed out. This chart indicates that \$742 million was added by the Congress last year for teacher quality. That is effectively zeroed out in terms of this year for teachers, in terms of recruiting teachers and in terms of retaining teachers. This is professional development.

I want to remind the American people that we have an administration which says, with the No. 1 domestic priority of education, we are confined to \$600 billion in tax cuts that they asked us to verify and make permanent for the future. And here we have virtually zero in terms of increasing the retention of teachers, training of teachers, and professional development.

Do the American people really believe this is the first domestic priority for the administration when they don't fund it and they asked the Congress to make permanent \$600 billion in tax cuts over the next 7 years?

Mr. DASCHLE. Mr. President, will the Senator from Massachusetts yield on another question?

Mr. KENNEDY. I am happy to yield to the leader.

Mr. DASCHLE. Mr. President, I appreciate very much what the Senator from Illinois said. Last weekend I spoke in South Dakota at the last

graduation of a high school at Hecla in my State. Hecla is closing its doors. They will no longer have a high school in that small town. What I find is that what is happening in Hecla is happening in places all over my State and in the country. Budgets are collapsing at the local level. They are not able to fund the priorities because the property tax base is shrinking. Every school administrator and every school district president I have talked to says they no longer have the budget they had just a couple of years ago. The situation is exacerbated by the tremendous loss of revenue at the local level.

On top of that, we now see a loss of revenue at the Federal level. Schools are getting caught in the squeeze. There is less money at the local level to hire teachers, to do what they have to do to improve the schools, and to ensure they have the proper classroom size at the very time of a double whammy by the administration which comes out with a budget that is sorely lacking in commitment of resources needed to meet the issues and challenges these schools are facing.

We are going to continue to see schools close, schools downsize, classes get larger, and students subjected to teachers who in some cases may not be qualified, in large measure because funding is not there.

We cannot have reform that we hear this administration wants without having resources. I appreciate very much the Senator from Massachusetts calling attention to that fact. But I ask: Does the Senator from Massachusetts have any similar situations he has experienced? Are schools not having that problem now not only in rural areas but in urban areas as well?

Mr. KENNEDY. The Senator is absolutely correct. I think the Senator would agree with me that parents back home just want their children educated. They want a partnership. I imagine in South Dakota and Massachusetts they want a partnership to make sure we are going to have investment in children.

It is a question of priorities. The leader has pointed out what was happening in his State. This isn't just something that the Senator from South Dakota has pointed out. Here is an article from the Wall Street Journal. This is not an organ of the Democratic Party. It is a very extensive article about the tight budget posing a threat to the smaller class sizes, which as we have all seen has a direct impact on children learning.

The article says:

In the prosperous 1990's, cutting class sizes gained importance, fueled by a Clinton-era program providing Federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

And it is escalating dramatically.

It is an extensive article. I ask unanimous consent to have the article printed in the RECORD.

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

[From the Wall Street Journal, May 16, 2002]

**TIGHT BUDGETS POSE A THREAT TO SMALL CLASSES**

(By Robert Tomsho)

The crowded classroom may be coming back.

In the prosperous 1990s, cutting class sizes gained importance, fueled by a Clinton-era program providing federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

Meanwhile, a new federal policy shift soon will permit states to spend federal money formerly dedicated to smaller classes on other school programs.

Districts that stopped maintaining smaller classes may not see class sizes go up for a few years. Still, worried advocates of small classes are starting to take action now to protect a policy widely popular among parents and teachers.

In 1996 the Irvine Unified School District, near Los Angeles, joined California's big push to reduce class sizes in kindergarten through third grade to no more than 20 students per class. With the state picking up 70% of the tab, the district hired about 200 teachers. Since then, related costs have increased as these new teachers moved up the pay scale. Because state funding hasn't kept up, Irvine had to tap local revenue, thereby increasing classes in the higher grades. Since the district began reducing K-3 class sizes in 1996, it has had to raise class sizes in grades 4-12 to an average of 35 students per class, up from 33. The jumps have been sharpest at the high-school level: Some classes have as many as 40 students.

Barbara Kadar, an Irvine first-grade teacher, says the program allowed her to spot individual problems early on. She says she's shocked at the policy reversal. "They found the goose that laid the golden egg, and now they're killing it."

At least nine other California school districts, out of 1,048, including the Cabrillo Unified School District, in Half Moon Bay, and Livermore Valley Joint Unified School District, in Livermore, made similar moves. State education officials expect many more districts to do the same by fall.

Similar funding cuts for class-size reduction programs have been proposed in Massachusetts, Wisconsin and other cash-strapped states. Even in places where state money for them has gone untouched, sharp cuts in state aid have forced districts to consider staff cuts that would result in higher class sizes. Brian Benzel, superintendent of schools in Spokane Wash., said: "We are going to be in a very difficult set of trade-offs."

Parents aren't likely to sympathize. This past month, dozens attended a meeting of the Riverside, Calif., board of education to protect its elimination of class-size reduction for the third grade. Meanwhile, in Memphis, amid a campaign by the local PTA, parents have been driving to the state Capitol in Nashville to demand that Tennessee legislators pass a budget that keeps the state's program. Recent polls show that an overwhelming margin of Florida voters back a constitutional amendment requiring the state to adequately fund a drive for smaller classes. "I can't go anywhere in public without someone coming up to me and saying that we have to do something," says state Sen. Debby Wasserman-Schultz, a Florida Democrat involved in an effort to put the proposed amendment on the November ballot.

For fiscal 2003, the Bush administration has combined the stand-alone federal class-size reduction program with a program intended to enhance teacher quality. Now, states and school districts can decide whether to use about \$2.85 billion in related funds for new hires or to bolster teacher quality. The move was designed to give states more "flexibility and accountability," says Eugene Hickok, U.S. undersecretary of education.

Critics say the federal move enables states to shrink their own programs and sets the stage for endless wrangling over future funding for such initiatives. "It's going to come down to how much clout the teachers and parents have," says retired Tennessee State University education professor Helen Pate-Bain, a prominent advocate of smaller classes and former head of the National Education Association, a teachers union.

About 25 states have class-size reduction programs. In 1998, President Clinton, who championed the cause, called the hiring of 100,000 new teachers and establishing the federal class-size reduction program.

Research over the years has indicated that smaller class sizes lead to higher achievement in the primary grades, with the most marked improvements occurring when a classroom has 20 or fewer students. The effect of small classes beyond third grade is more mixed. During the 30 years of reduction in the federal ratios, nationwide achievement trends were a mixed bag: Math scores rose steadily as science results fell for some age groups.

California, having already spent nearly \$8 billion since 1996 to hire 28,000 new teachers, expects to complete an evaluation of its program by summer. Meanwhile, its program has had some unintended effects: In its hiring binge, the state had to take on more uncertified teachers to fill its classrooms, and about two-thirds of districts cut other programs, such as in music and art, to keep the classes small.

Such side effects haven't blunted support for small classes. Earlier this year, California's program was barely touched by budget cuts. Even as individual districts cut their programs, the California PTA is lobbying the state for more funding for smaller classes. "Parents and teachers still strongly believe that this is good for their kids," says Teri Burns, California's deputy superintendent of education, governmental affairs. "That pressure is still there."

Mr. KENNEDY. Mr. President, this is at a time when the administration is asking for \$600 billion more in tax cuts. We cannot help the parents, the small towns, communities, and working families make sure they are going to have a qualified teacher in every classroom in South Dakota, in Illinois, and New Jersey.

Mr. CORZINE. Mr. President, will the Senator from Massachusetts yield for an observation?

Mr. KENNEDY. Please.

Mr. CORZINE. Mr. President, the point the Senator from Massachusetts is making with regard to cutting the resources we have available for education and then not funding the mandates really bites in the State of New Jersey. We have a \$6 billion budget deficit in the upcoming year. Educational funding is going to have to be cut just to balance the budget. We have serious conflicts going on between teachers and administrations across the State.

If I have heard the Senator correctly, we are going to have virtually no in-

crease in education spending at the Federal level this year at a time when we have decided we want to make permanent these tax cuts which really are going to people who are doing extraordinarily well in society.

Mr. KENNEDY. The Senator has defined the choice. This is a question of priority which the Senator has outlined, the challenges in his home State, and what the choices are.

The administration, whatever we think about the past tax cuts, has now requested of this Congress \$600 billion more. The administration indicates that they have two priorities: Low-income children and special needs children.

I see both of my colleagues are here on this issue. They have indicated that the President has these two priorities.

Look at the special needs children. If we fund the \$1 billion each year, as the administration proposed, it would take 33 years to fully fund IDEA. A first grader at the time IDEA was first enacted would be 67 years old by the time the Republicans' proposal fully funded IDEA.

That is the program that helps communities with special needs children. That program was fully funded when it passed here and went to the conference when the Republicans ran the Senate. When it came back, it was zeroed out. It was called special interest funding.

Then, as a matter of principle, the decision was made by our colleague and friend, the Senator from Vermont, Mr. JEFFORDS. He said that isn't enough. He became an independent because he did not believe meeting our responsibilities to special needs children was a boondoggle or pork spending.

I don't think the Senator from Illinois or the Senator from New Jersey believe that either. I want to know if they believe, as I do, that this is a national priority and should be a national priority, and that we ought to be willing to make sure we meet our commitment to those families who have the special needs children and to the taxpayers in those communities to make sure it is adequately funded.

Mr. DURBIN. Mr. President, if the Senator will yield, that is the important point, the last statement is the important point, because school districts in Illinois, New Jersey, and Massachusetts are facing a Federal mandate. Children with special needs, with learning disabilities, physical disabilities, and other problems are going to have to be given every opportunity to learn and be productive members of society.

That is something Congress and the Federal Government said to the local school districts. Yet we have not provided them the opportunity to do it.

The Senator from Vermont, Mr. JEFFORDS, and the Senator from Massachusetts, as well as the Senator from New Jersey and I, want the Federal Government to keep its words. We do not want to say to school districts: This is your responsibility; you figure

out how to pay for it. In some States, school districts have to move children great distances to find that special learning situation and environment where they can prosper, and at great expense. That is money taken out of the regular classrooms, from the students and teachers. We need to make sure there is quality education for all kids.

The Bush administration says it is a good mandate. But if they want to spend additional money for tax cuts, we can't see it. They want to put \$600 billion more into tax cuts primarily for wealthy Americans and not for education, for teachers, for students, and particularly for children with special needs. That is exactly the burden my school districts face in Illinois.

Mr. KENNEDY. There are smaller towns and communities that have children with special needs. When the school districts attempt to provide for children with special needs, suddenly the property tax rates go up in the local towns and communities. Parents feel they are blessed to have children with special needs. They understand the challenges faced in trying to take care of those children. I have never met a parent who does not believe in some way that child gives them an additional sense of purpose in life. All we are trying to say as a nation is we are going to try to help relieve that community from those very special kinds of additional obligations. We are going to provide some help—not all but some help and assistance.

Can either Senator explain to me why that is a lesser priority than trying to have this \$600 billion tax cut? That is the choice. Are we going to help small towns? They can be in North Carolina the State of our Presiding Officer, or they can be in South Carolina. They can be in western Massachusetts, southern Illinois, or any part of the State of New Jersey. But these local communities are hurting and hurting deeply.

We have a lot of lip service, but if we are to follow what the administration has said in terms of funding for IDEA, it is going to take us another 33 years in order to do it.

Mr. CORZINE. If the Senator will yield for just a moment, I will make the observation this is not only for small communities. I think about towns such as Camden and Newark in the State of New Jersey, where class sizes average about 30. Many of these children who have special needs are mainstreamed, but they have special programs to try to lift those with learning disabilities.

These towns and cities do not have the tax base to even raise the necessary money. So what happens is, in fact, we are forcing failure to comply with the law, failure to meet the needs of our children. And if we, as a nation, do not begin to prioritize these elements of our population in this educational process, we are going to recycle these problems because it just goes

on and on, and it is extraordinarily dangerous in our small towns and cities for our urban kids, particularly where you combine the problem of large class size and special needs for kids who have been mainstreamed in classrooms because there are no other choices.

I hope we can speak strongly about doing what we always argue: That we want to make sure we fully fund IDEA. It is not happening. I commend the Senator from Massachusetts for his effort.

Mr. KENNEDY. I thank the Senator because we have recognized this IDEA program has been built upon the Supreme Court holdings about responsibility. We have the responsibility to make sure education is going to be available and accessible to children with special needs. That is effectively the Court's decision.

So we have said we are going to provide help and assistance. We have failed to do so. As the Senator points out, the fact is, 25 years ago there were 4 million children who were effectively either being kept at home or pushed off in different kinds of settings who never had the opportunity for education. Now we know those children are working their way through.

What we have found, in terms of the graduation rates, employment rates, and even the college graduation rates, they have all dramatically increased. And the difference it has made is extraordinary in terms of their lives, living lives of independence and even being taxpayers.

My friend from New Jersey is in the Chamber. I want to mention one other area in which I know he is interested; that is, what has happened with the Pell grants.

We just have a brief opportunity. We have seen what the cost of education has been, the shrinking buying power of the Pell grants. We know how important this is in terms of children. The average income is \$17,000 for those who are eligible for the Pell grants.

We found out back in the mid-1970s that paid for about 80 percent of the tuition for children who went to 4-year public colleges less so in private institutions. Now we have seen that purchasing power go down.

Does the Senator not agree with me that we, at some time, made a decision we were going to try to make sure that children of ability and talent, from wherever they came, whatever part of the country—despite their families' resources—would be able to gain entrance into a fine school or college in New Jersey or Massachusetts or any other State, that they would be able, with their limited means, to put together the Pell grants, have the Work-Study Program, and with their summer income—the extra work they might be able to do—have an education?

Will the Senator comment about what has happened with that Pell grant which has really been the key to opportunity? We will hear a lot of speeches

in this body and a lot of speeches being made in America about the importance of education and how that opens the doors of opportunity. Does the Senator from New Jersey not agree with me that effectively we are closing those doors for a very significant number of Americans and, therefore, we are losing, at least for those young Americans, the real hope and opportunity that education provides?

Mr. CORZINE. The Senator from Massachusetts is exactly correct. It is extraordinarily disappointing that we have seen this kind of trend, particularly at our public universities, which were really designed to give every American access to higher education. I have not studied the numbers in the last couple months, but I think the average earnings of a college graduate relative to a high school graduate are almost double for someone who completes a 4-year college degree.

If we do not understand that reflects productivity into our economy and into our society, we are making a huge mistake. This kind of underfunding of access to the American promise, the American dream, I find hard to conceive. I know it has been important in my life, and it has been for many of our colleagues.

Mr. KENNEDY. I appreciate the Senator's comments because this Nation had been committed to that value. We had the land-grant colleges in the 1870s, which was the beginning of the commitment to make sure children with limited means would be able to go to college. We had the GI bill after World War II, and every evaluation shows that those who received the GI bill paid five times as much in taxes as it actually cost.

We had this commitment in the early 1960s with the Pell grants and the Stafford loans to put together, and day after day, when we have failed to fund this program, we are increasingly denying that opportunity for millions of Americans.

We have a responsibility to invest in the children of this country. The choice is clear: Are we going to follow what the President has suggested, \$600 billion more in terms of tax cuts, or are we going to invest in the children of this country in K-12 to help provide help and assistance to those families, the special needs children, and the gifted and talented children, to take advantage of the Pell grants, or to otherwise be denied the education?

Mr. President, this is a matter of importance to every family. We want to give them the assurances that we on this side, on the Democratic side, are going to stand with the families. We are going to fight for this funding because it is our priority, their priority, and we will do everything we possibly can to make it a reality.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Am I scheduled now in morning business?

The PRESIDING OFFICER. If there is no further use of time on the majority side, the Senator may proceed.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2540 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call to the roll.

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

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

Mr. THOMAS. We are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### PUBLIC LANDS

Mr. THOMAS. Madam President, we have been very involved in relatively few issues over the past 6 weeks. We were on energy, and for about 3 weeks we have been on trade. Obviously, our attention has been very strongly on terrorism and doing the things that are necessary both overseas and internally. At the same time, we have talked among ourselves, of course, and one of the elements is to do normal business.

Today, I want to talk about an issue that is quite often normal business, particularly for those of us in the West, and that is public lands. Of course, there are a lot of aspects to public lands.

In States such as Wyoming, about 50 percent of the State belongs to the Federal Government, and therefore what is done with public lands has a great deal to do with our economy and our activities. We feel very strongly about it, of course. It is a big issue for us. The idea of multiple use is one that is always debatable and is being discussed. There are different kinds of public lands. There are those set aside for wilderness, for a special use, for a special reason, and there are those with various restrictions, set aside for parks or U.S. forests. So there are constant issues that relate to the use of that land.

Of course, much of our domestic energy is produced on public lands. So we need to make sure we can work on the extraction of energy and domestic production and, at the same time, maintain the quality of the environment. That is a debatable issue. I think we can do that, and we have demonstrated

in Wyoming that you can have multiple use and production of resources, and you can have grazing and, at the same time, protect the land and the environment. So energy has become very much an issue.

As you know, the whole question over ANWR was the idea that we now look overseas for about 60 percent of our energy. We need to increase our domestic production so we become less dependent upon others. That continues to be an issue. But it is not only ANWR. That was simply the poster child. The fact is, in the West it is a very continuing and important issue. We are involved in doing EISs right now, and EPA and endangered species issues, which go together to make decisions.

Access is also very important. People like to visit public lands with multiple use. The question of roads comes up. Most people agree that outside of the wilderness, limited roads are the answer. Again, we have to protect the environment.

One of the things we have pushed for and continue to do so—and this administration has promised to do and I think is doing—is to allow for more flexibility and more local input. It is true the locals cannot make the decisions regarding public lands, but they can have very helpful input into how they are managed.

We are also talking about the use of snow machines in Yellowstone Park. Of course, there is some controversy about that. Some people don't think there ought to be anybody in the park in the wintertime. Millions of cars are there in the summer, but there are only a few thousand in the winter and that seems to upset them. Nobody is suggesting we continue to do it as we have in the past. But there are now reliable sources that can make quieter machines so that they can be managed better and separated from cross-country skiers. You can do a number of things to allow the owners to participate in public lands.

Another issue that has been discussed is the matter of fires. We are into that season now and we have already had forest and grass fires in some places. Certainly, we are better prepared for that now, partly because we have had three dry years. The Forest Service has invested a great deal more in personnel and equipment to deal with that problem.

One of the other issues that sometimes is controversial is the idea of trying to prevent forest fires by the removal of excess forage and fuel. It is something that has been done and can be done, and we have not done enough of it perhaps. We ought to be able to do some thinning in various places that will make fires less likely to occur, rather than putting all of our emphasis on fighting a fire after it has begun.

So public lands has a lot of interesting issues and always will, of course. There are people on both sides that sort of take extreme positions. Some

say we should not touch those lands; they should be set aside totally. Others are not concerned about damage to the environment. So we need to find a reasonable middle ground so we can have access, so we can have multiple use and, at the same time, we can preserve the resource.

I want to talk briefly today about one aspect of it and that is our national parks. National parks are different, at least for one reason, in that they were set aside as national parks for a specific reason. The reason that is so different is the BLM lands—Bureau of Land Management. Most of the lands in Wyoming were not set aside, they were residual, what was left after the Homestead Act had been completed. So they may or may not have any particular significant character to them. Parks, on the other hand, do have significant character or they would not be designated as parks. So we have been working on that.

In 1998, I was successful in passing Vision 2014 in which we dealt for the first time in a number of years with ways to help strengthen parks, in terms of management and their concessions, and in terms of dealing with the natural resource needs, and dealing with financing of national parks. It provides for improved management, increased accountability. As in any other issue, there has to be accountability when you are talking about millions of dollars. Of course, it has to be management when you are talking about millions of people going there. So we were very pleased with that law. I think it is doing some things that are very useful.

Part of the funding in the past has been what has been called the demonstration fee project, which created park passes. That has been in place now for 3 years. The National Park Foundation has been instrumental in its success. Now there is a very attractive portfolio and picture and so on, and persons can buy this pass, which does two things. One, it gives accessibility to all 385 national parks and also helps to contribute to the sustenance of those parks. We certainly want to continue that program, but we are now going to be working on something that does expire. It is called the Demonstration Fee Program. It expires at the end of this year. It has been in existence for about 5 years. It was an opportunity for some small additional fee on certain parks and allowed for income and the opportunity to make expenditures on what is good for visitors in the parks. It extended not only to the Park Service but also the Bureau of Land Management, U.S. Fish and Wildlife Service, and the U.S. Forest Service.

It turns out the collection of the fee in many places is very difficult. In fact, with the BLM it is almost impossible. If there is a public land forest, and in some instances there are facilities, they can probably do that, but it is very difficult. On the other hand, parks almost always have an admission site, a gate for entry.

So the idea is the principal support for parks and public lands is provided through taxes from everyone, and then some small contribution made by those visitors. We are trying to avoid the idea of each park having various charges.

Eighty percent of the funds that come from the fees are used in the park where they are collected. Some parks cannot collect, so 20 percent is reallocated generally. But a major part of the fee goes to the park where the fee is collected.

We modified it some. We are making a permanent fee, rather than the demonstration fee which expires. We made provisions and criteria for the charging of the fee. We have a business management plan on the park and determine the feasibility of this program. Not all parks will be involved. We will do away with the nickel-and-dime fees where you pay for every little thing.

This provides a great opportunity. We talk a lot about the lack of funding for parks. Particularly in the infrastructure, that is probably true. This administration has made it clear they intend to increase the funding for the infrastructure, particularly of larger parks such as Yellowstone or Yosemite where there are millions of people visiting, where we have highway problems, sewer problems, facility problems. We have introduced a bill that makes this permanent. It helps fund our parks and keep them strong.

We have over 385 national parks in America. In addition, there are heritage sites and other parks administered by the Park Service. That is one of the real treasures of the United States, our national parks—whether they be in Florida, in the Everglades or elsewhere.

We are working on a fee demonstration program for national parks. The purpose is to keep them the valuable asset they are. They have to be preserved. We changed some concessions so they contribute more, yet make them competitive. We are seeking to get business management in the larger parks. They are big business, operating in millions of dollars each year. Times change. We are seeking to change with it. The purpose is to effectively manage the resources so they are available to their owners to visit.

We look forward to the passage of the fee demonstration project.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ANDEAN TRADE PREFERENCE EXPANSION ACT

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

The assistant legislative clerk read as follows:

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

#### Pending:

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

Dorgan amendment No. 3442 (to amendment No. 3401), to require the U.S. Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from Doha.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Boxer/Murray amendment No. 3431 (to amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3401), to ensure that the U.S. Trade Representative considers the impact of trade agreements on women.

Reid (for Durbin) amendment No. 3456 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3457 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid U.S. income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC Committees are representative of the producing sectors of the U.S. economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a U.S. Government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

Reid (for Landrieu) amendment No. 3470 (to amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

Brownback amendment No. 3446 (to amendment No. 3401), to extend permanent normal trade relations to the nations of central Asia and the south Caucasus, and Russia.

Grassley modified amendment No. 3474 (to amendment No. 3446), to express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.

Reid (for Jeffords) amendment No. 3521 (to amendment No. 3401), to authorize appropriations for certain staff of the U.S. Customs Service.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be for debate only, with the time equally divided and controlled by the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, we have had 3 good weeks of debate on this bill. I urge my colleagues now to think about voting to invoke cloture so we can get past this bill and get on to other business. We have already disposed of 19 amendments. A number of other proposed amendments have been addressed through colloquies and will also be included in the managers' amendment at the end of this legislation.

I might say, early in the debate we were able to forge a historic compromise on trade adjustment assistance which expanded the program to deserving groups of workers and, for the first time, provided health care adjustment to TAA recipients.

That is an extremely important development. Currently, trade adjustment assistance—that is, assistance to workers displaced because of trade—is paltry. It doesn't help workers very much. It only applies to primary workers anyway. We made huge, significant improvements to help develop a consensus on trade; that is, so more people



get in on the benefits of trade or at least are not harmed when there is natural change in our economy because of globalism and economic readjustment.

This trade adjustment assistance part of it, it should be understood, I might say unpretentiously, is an extremely important part of this bill. As it stands now, I believe this bill is the most forward-looking and significant trade legislation to be considered by this body in over 15 years.

The fast-track extension included in this bill provides authority for the President to negotiate trade agreements, both multilaterally and unilaterally. Using fast track, the President will be able to open new markets for U.S. exporters and for the benefit of U.S. consumers.

As I have noted before, this section of the bill is also the most progressive ever to gain serious consideration by the Congress. Not only is the trade adjustment assistance provision most progressive, but also the fast-track TPA portions of the bill are most progressive. For the first time, labor and environmental issues are part of the core of any future trade agreements. That is monumental.

I cannot tell you, Madam President, the number of years that issue has been debated. Those who did not want labor to be included at all in the negotiating objectives of trade agreements, who did not want environmental issues at all considered, won the day. But, frankly, I think it was the breakdown of the ministerial in Seattle; that is, the trade ministers' meeting in Seattle, which could not cope with all the changes in the world, including the necessary inclusion of labor and environmental provisions, that has now brought this to where, in this legislation, we are doing so.

This bill for the first time includes labor and environmental issues. It also continues U.S. priorities such as opening agricultural markets. We all know one of the biggest challenges we face as Americans is knocking down agricultural trade barriers worldwide. The European Union is one of the greatest offenders.

We also know we want to preserve our U.S. trade laws, such as section 201 of our countervailing duty laws or antidumping, which are there to help keep other countries honest; that is, to help prevent other countries from dumping in America, from subsidizing their production and sending it over to America. We need those laws to help keep those other countries honest because our borders are significantly more open than are the borders of other countries.

So we need our trade laws to help them do what they know is the right thing to do. If we do not have our trade laws, they are unlikely to do it.

The legislation before us, as I mentioned, extends and expands trade adjustment assistance. It is critically important. This is long overdue. Let me just explain in some detail, although not much detail, what that provides.

We extend coverage to ensure workers can complete job retraining. That is an extension. We have a whole new pilot program on wage insurance, so a lot of people who are dislocated on account of trade have the option not to take the trade adjustment benefits but, instead, can take wage insurance, which essentially compensates the employee for half of the difference between his old job and his new job, the beauty of this being it helps people work again; they are back at a job working, as opposed to just receiving benefits.

We also expand coverage to secondary workers—not just primary workers.

For example, if an auto plant lays off employees, what about the supplier of windshields or the supplier of engine parts? They get laid off, too. Those are the secondary workers who are now covered under this bill. It is a huge benefit. We expand it to farmers and to fishermen. They get displaced because of trade many times.

As I mentioned, it is extremely important. For the first time, we provide health insurance for displaced workers. It is critically important in these days where, unfortunately for many people, it is hard to get health insurance anyway.

When you are displaced and lose your job, what are you going to do about your health insurance? You are going to need health insurance. We provide health insurance under trade adjustment assistance.

These matters should not be taken lightly. They are extraordinarily important. Those trade adjustment assistance provisions will be available to people who are displaced because of trade irrespective of whether it was a consequence of a fast-track bill, irrespective of whether that dislocation was a consequence of some trade agreement not subject to fast track—most trade agreements are not subject to fast track—irrespective of whether there is any agreement of any kind because the world economy is so fluid and some changes are almost chaotic. Those benefits in the legislation will be available to anybody who qualifies and loses a job on account of trade, irrespective of any fast track or any trade bill. It is vitally important.

The bill also extends and expands two very vital preference programs. One is the Generalized System of Preferences, GSP, and the other is the Andean Trade Preference Act, which is very important, particularly if we want to increase trade in South America. European countries and others have trade with South America. We need to get moving and have a better trading relationship with at least the Andean countries in South America. This bill extends those preference programs for 5 years, and also rebates tariffs paid since expiration which was the end of last year.

The two I mentioned are also improved. The Andean Trade Preference

Act now includes a petition process for reviewing the progress of Andean countries in meeting the objectives set out in the bill. And the GSP Program has been updated to take into account the definition of core worker rights promulgated by the ILO's 1998 declaration. That is an update. It helps to bring ILO standards up to date.

Further, in this debate on this bill, Senators have improved the legislation through their amendments. Senator KENNEDY, for example, won an amendment to ensure that the global AIDS crisis is properly recognized in trade legislation. Senators DAYTON and CRAIG contributed an important amendment to ensure U.S. trade laws are not needlessly treated as bargaining chips in trade negotiations. I intend to see to it that this issue is properly addressed as this legislation moves forward.

Senator EDWARDS added an amendment to ensure that the interests of textile companies and their workers are treated fairly in trade negotiations, and under trade adjustment assistance.

I congratulate each of these Senators for their contributions and hope they will help us in moving their amendments and the entire legislative package forward.

We have had a good and full debate on this trade bill. I plan to continue to work with Senators to see to it that their concerns are addressed.

But it is time to begin to think about passing this bill. It is time to wind down the debate. It is time to invoke cloture. There are always going to be further amendments that some Senators wish to offer. But at some point we need to declare that enough is enough and move this process forward. I believe we are at that time. For the sake of American workers, for the sake of American business, for the sake of every American farmer and rancher, particularly American workers and employees, and because a very important part of this bill is to help those who are dislocated on account of trade, I urge my colleagues to vote for cloture.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I will speak briefly on the pending legislation, which is the trade promotion authority, the trade adjustment authority, the Andean trade agreement, the general agreement on tariffs language.

There is that old adage: If there are two things you do not want to watch being made, one is sausage, the other is law. Regrettably, that applies to this undertaking.

For reasons which still escape me but which appear to be necessary from the

standpoint of the administration, there was a negotiation which occurred which involved how this bill would come to the floor. The majority leader decided to, out of the course which is typical, hook three major pieces of legislation together: Andean trade, trade adjustment, and trade promotion.

Traditionally, trade promotion, which has historically been noted as fast track, has been taken up as a single issue. It was not linked to trade adjustment nor with another treaty, which in this case would be the Andean trade promotion agreement. But the majority leader decided to bring the three to the floor, and the administration, working through the leadership on the Republican side of the aisle, working with Senator GRASSLEY, Senator LOTT, and Senator GRAMM, entered into extensive negotiations as to the makeup of the final package.

The result of that was, as I mentioned, something you probably should not watch, whether it is the making of sausage or the making of this piece of legislation because within this bill there are major new initiatives which have very little to do with trade, but a great deal to do with bad public policy, as we try to address issues such as health care and people losing their jobs.

There is no question but that the trade adjustment concept is a very important one. I have used it extensively in my role in public policy. There have been instances in New Hampshire where people have been put out of work because of what appeared to be unfair trade activity, and we have used trade adjustment to assist those individuals. It has been very successful.

Its purpose—the original concept of trade adjustment—was to train people, to give them new talents, new abilities, new capabilities, so they could go back into the workforce after losing their job because the job which they lost no longer existed because trade, competition had basically left it behind. We helped those people get back into the workforce and actually have more talent, more ability, and thus be more productive and actually end up being citizens who have a better earning capacity.

That is the goal of trade adjustment, a very laudable goal, appropriate goal, and something which actually has worked rather well, at least in my experience as it has been applied in New Hampshire. I used it aggressively both as Governor and since then, on occasion, I have had the chance to use it to help people in my role in the Senate.

But this bill takes the trade adjustment concept and moves it into an entirely different exercise. It moves it into an exercise of what basically amounts to welfare, in many instances, and to social engineering, in other instances, and into an attempt to address a health care need which is significant but which, when addressed in the manner in which it is addressed in this bill, puts us on a path which could lead to a

radical expansion in the cost of health care for the taxpayers of America who have to bear the burden of these types of initiatives.

The bill has in it two major new entitlements, something called wage subsidy, which is a European model program that essentially says you are going to pay people to take less productive jobs. Somebody who is out there working hard, earning money, paying taxes, they are going to take their tax dollars and pay somebody who is out of work to take a job where that person will be less productive, encourage them to move into a less productive job—just the opposite of what the original purpose of trade adjustment was—a concept which is purely reflective of what is done in our European neighbors' economies, where they basically pay people to be nonproductive citizens.

That is the first entitlement initiative called wage subsidy: A person gets \$5,000 to make up the difference between what they were being paid in the job they lose and the job they take. There are no limitations on this. There is no requirement of necessity. There is no requirement that there be an arm's length agreement. There is no requirement, if there is a similar or substantially similar job out there that the person could have taken at an equal amount of pay or better, that the person take that job. There is no requirement the person stay in the community.

There are none of the requirements that are the concepts built around trade adjustment, which are a person should basically be retrained, given new talents, new opportunities to find a new job within the marketplace where they lost their job. None of those protections are there. There are no protections against fraud and abuse, mismanagement of this brand new entitlement. And it opens the door to a massive expansion of this concept, which we see.

It is not as if that is a concern that is not relevant. We see that course of action being followed in our sister states, sister economies around the globe, where you have this concept of: If you pay people to do less and be less productive, that is actually an appropriate government policy where you take taxpayer dollars out of one person's pocket and put them in another person's pocket and don't ask that person to be more productive. You actually ask them to be less productive.

That attitude of governance, which is paternalistic and which is what dominates the continental European economies, has huge impacts on your productivity as a society and, therefore, on your creation of jobs and wealth and, as a result, on your creation, maintenance, and improvement of a standard of living.

There is an interesting article by Paul Johnson, one of the great historians of the last 20 or 30 years, on this specific point which is contained in a

book entitled "Our Times." It is one of the reasons he views the European economy as having failed to maintain itself, because the European economy pursued this paternalistic approach toward economic activity on which we are embarking as a result of choosing this type of brandnew entitlement.

The second major entitlement in this bill is the health care entitlement, much more complex and difficult. The wage subsidy is just a pure outrage. If you have any interest in marketplace economics, it is an affront. If you happen to believe in a paternalistic approach to governance, it is a great program. But if you believe in the marketplace, it is an affront.

The health care entitlement in this bill, which has no place in trade promotion—it should be debated in the context of major health care reform—is much more complex but equally problematic because it creates a brandnew major entitlement. Basically what this says is, if you lose your job because of a trade-related activity, the Federal Government will come in and pay you 70 percent of the cost of buying health care under the terms with which you held health care prior to losing your job or under some sort of pooling agreement. It doesn't say you can go out and buy health care in the private marketplace or that you can join some other group such as an association and buy health care through that. It says you have to buy this new health care through your old health care provider or some new pooling agreement, a State-sponsored pooling agreement.

This concept is a prefunded tax credit, essentially a welfare payment. That is a new title for it, such as when someone comes up with a term to try to avoid the real meaning of what is happening. In this instance, what we have is a welfare payment which is being made to an individual who loses their job.

It is perfectly reasonable that we try to figure out some way to give reasonable health care coverage to people who lose their jobs. That is perfectly reasonable. But to do it in this narrow band of activity outside of a more substantive reform of the health care arena is to step us off on a path which is slick and which is clearly downhill and which will probably lead to incredible mismanagement of our health care initiatives and our attempts to correct the health care problems.

Right on the face of it, this creates an unbelievably difficult situation for people who are working and don't have health care. If you are working and you don't have health care today, you are now going to be paying taxes, probably increased taxes, to pay for somebody who is going to get health care who is not working. How fair is that? You can't afford health care. You are paying taxes. Your taxes go up so that somebody who doesn't have a job but who has a variety of different support mechanisms, including an additional 2 years of unemployment, significant



benefits in the area of retraining, significant other benefits which are tied to trade adjustment—that person will also now get a 70-percent payment from you, the working American who does not have health care, to that person, the nonworking person who does not have health care, which creates a perverse incentive in the marketplace for the person who doesn't have health care, who is out of a job, to stay out of a job or maybe the person who needs health care who has a job to give up their job in order to get health care coverage.

It is very bad policy. It is unfair. It is extremely unfair to the person paying taxes who does not have health care coverage.

The second problem with it is, by demanding that the person who is getting this new coverage, the 70 percent of tax dollars to pay for that health care insurance—how many people in America today have 70 percent of their health care paid for them by the Federal Government? I guess the Part B premium on Medicare is the only people who will be competitively in the same situation; about 75 percent of your Part B premium under Medicare is paid for by other taxpayers. But in this instance, that 70-percent subsidy which comes from other taxpayers will now have to be used to purchase the highest cost health insurance that is probably out there, which is the health insurance left over from the job you just lost.

You can't buy anything other than a COBRA-based health policy or this new State pooling concept which does not exist. I am willing to almost guarantee it is not going to exist in most States because most States don't have enough people who are affected by trade adjustment to create a pooling agreement which would be viable through which to buy that health care insurance. They would have to set up an entirely different group of people to participate in the agreement. Maybe they will do that, but most States are not going to set one up just for trade adjustment.

As a result, a person will have a 70-percent subsidy to buy the most expensive health care rather than allowing that person to go out in the marketplace and make an intelligent and thoughtful decision as to where they will buy their health care.

You have immediately created an entitlement which is going to be driven perversely in the amount of cost it will incur and where the dollars are going to flow in order to purchase health care, instead of creating an atmosphere where the person without health insurance, who is out of a job, becomes an intelligent consumer of health care where they go out in the marketplace and say: What do I really need? What can I really afford here? And what do I really need in health care insurance? They look around and figure out what their best options are.

You are instead saying to that person: You must go out and buy the highest end insurance out there. You may

not need it, but you have to buy it. Of course, 70 percent of it will be paid for by the poor person working down the street who has a job and doesn't have health care at all.

It makes no sense. If you wanted to throw a door open and look out over an abyss of massive complication, this is it. To step into the uninsured health care issue in this manner is to do exactly that. It is a massive new entitlement in its own right but a colossal mistake from the standpoint of health care policy and a major entitlement initiative as it expands from here.

This is going to basically become a roadmap for the future. It will be a rut that is going to be very hard to get out of intelligently as we move down the road of health care reform, especially for uninsured Americans. This is a big issue, something that has to be handled with a little more thought and foresight.

These are the two huge entitlements from a public policy standpoint. Financially, they are not scored that aggressively in this bill. But from a public policy standpoint, these are the two massive new entitlements in this bill. They represent an explosion of new entitlement activity that is incurring in this Congress and under this administration. The farm bill, scored at \$80 billion when it first came through here over budget, is now somewhere over \$100 billion, probably more than that, and most of it is in a new entitlement program.

There are a variety of other ones in the wings coming at us, whether they are mandated private sector activities or whether they are going to be something such as a drug benefit which now has a floor on it of \$350 billion with no ceiling in sight.

When I came here in 1992, having just served as Governor of my State, my focus was mainly on two things. In fact, it was the main focus of four or five of us as new members, as Republicans, including Senators Coverdell, BENNETT, Kempthorne, HUTCHINSON, and later CAMPBELL. The focus was on unfunded mandates that were being put on the States. The second was the explosion of entitlement costs. We took aggressive action because we were facing a significant deficit and had been through many years of it, to try to get entitlements under control. We aggressively pushed that as new Members of the Senate.

It is sort of like "deja vu all over again," to quote Yogi Berra. Here we are facing a deficit, and we don't know how severe it is going to be. We are piling on entitlements, and the most difficult spending to get under control in Government is entitlement spending because it is automatic. It creates interest groups and basically is not capable of being reined in efficiently or effectively in public bodies that go up for election every 2 and 6 years.

I think the trades made in this bill are difficult, to say the least. To get fast-track authority—a procedural

process for the President to have an opportunity to make his points on trade agreements, which cannot be amended by the Senate, that is a very important point on administrative prerogative, but it is procedural. In exchange for that procedural right, we are trading away very significant new entitlement initiatives which have explosive potential and are bad public policy.

As a result, I have deep reservations about this package. I regret it has been negotiated in the manner it has been by our leadership in the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, we will be conducting a vote on cloture at 11:30. Prior to the time we have that vote, I want to make some final comments about what I consider to be the importance of bringing debate on the bill to a close and making sure that we have a good vote on cloture this morning.

We opened the debate with a recognition of how critical it is in this country, with this economy, that we recognize especially the importance of our globalized markets and the need to be competitive in them. Under the strong leadership of Senator BAUCUS and with help from Senator GRASSLEY, we put together a historic package of trade legislation that dealt first with the Andean Trade Preference Act, an act that has already proven itself to be invaluable to not only those countries in South America that have benefited directly from increased trade with the United States, but this country as well—a recognition that this trade partnership ought to be extended, a recognition that it is not only an economic partnership but a strong political one, and that if we can continue to provide political communication and coordination in a way that allows us better economic return, we are going to strengthen those countries politically as well as economically.

That is what ATPA does. It is an opportunity for us to reaffirm our recognition of a partnership of South American countries and our confidence that economic trade is good for both.

Secondly, we added legislation to this package that, for the first time, addresses meaningful assistance to those workers who are displaced as a result of trade. My view has always been that there are far more winners than losers in expanding our trade around the world. But we also recognize that there are some losers and some who, for whatever reason, may have been dislocated. When those occasions occur, I think our country owes those workers a future, owes those workers some safety net to ensure that their health needs and, hopefully, their short-term unemployment needs are addressed.

The Trade Adjustment Assistance Act that we have put into this package addresses that need. It does so very effectively. For the first time, trade adjustment assistance will help those

who have lost their jobs get coverage for health care under COBRA at 70 percent of the cost of the program itself. Seventy percent is an unprecedented statement about our commitment to those workers who have lost something as a result of changes in the environment that have been created as a result of job loss because of globalized market development.

We also provide new wage insurance legislation that helps older workers who may just be on the verge of retirement but not quite there. They are too old, perhaps, to get training for job relocation. They may be much closer to retirement than to the possibility of a better job through new training and the acquisition of new training skills. So this wage insurance is something the Heritage Foundation supports, something that trade study groups and think tanks have supported for many years, something that the U.S. Trade Representative also signed onto as an effective tool for assisting those who are also adversely affected.

So there is no doubt, when you look to the first two components, the opportunity for us to address workers who are adversely affected and the opportunity for us to extend the trading partnership with South America, I have no doubt that on that basis alone we have all the reasons we need to pass this legislation.

Finally, let me say the bill itself—the base bill—the TPA, trade promotion authority, provides us with yet another reason we should be supporting cloture this morning. We not only started with a good package; in my view, we improved upon it. We added the Dayton-Craig amendment on trade law that gives Congress an additional role, an opportunity for us to enhance the role as new trade agreements are presented.

We added the Dorgan amendment on transparency for the North American Free Trade Agreement, and the Kennedy amendment which helps us fight the AIDS epidemic all over the world. There were other efforts I supported that didn't become part of the bill, such as the Rockefeller amendment on steelworkers.

I must say that overall we have debated more than a dozen amendments, many of them very consequential. We have adopted eight of them. I believe the Senate has had the opportunity to work its will. There comes a time when the debate has run its course and we are called upon to bring that debate to a close and move on to final passage and other issues. I remind my colleagues that even after cloture we will have 30 hours of debate.

Senator BAUCUS just noted to me that there are a number of amendments still pending that will be debated and voted upon prior to the time we come to final passage of the bill. But this is our opportunity to say as strongly and unequivocally as we can that, first, we recognize the extraordinary importance of U.S. participa-

tion in global markets, and we are going to give this President—and any President—the tools with which to ensure that we have the framework in place to do so effectively.

Secondly, we recognize particularly the important partnership we have created with Latin America. We want to extend that partnership not only for economic, but political and diplomatic reasons as well.

Finally, we recognize there are those who are ultimately going to be adversely affected. And while they may be in the distinct minority of all workers affected and the greater realm of good created in this legislation, we cannot ignore them. We are going to provide them health benefits, wage insurance, and the kind of safety net that they deserve when this kind of circumstance befalls them.

This is a good package. This warrants our support. I hope my colleagues will join in a bipartisan effort to support cloture this morning in an effort to move to the final phase of consideration of this legislation prior to the vote on final passage. I urge my colleagues to support cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all Senators should recognize the very hard work the majority leader has put into this legislation, particularly, in my judgment, the underlying strongest piece, and that is trade adjustment assistance. The majority leader, along with the occupant of the chair, Senator BAYH, both pushed very effectively to address a large gap, frankly, in American trade policy, and that is the inadequate attention given to those who lose their jobs as a consequence of trade. They built up the trade adjustment assistance.

All American employees who may in the future lose or who have lost a job as a consequence of trade should recognize the efforts of the Senate majority leader, Mr. DASCHLE, as well as the present occupant of the chair, Senator BAYH of Indiana, who were the primary movers in drafting the cornerstone part of this bill. We all owe them a great debt of gratitude.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will tell my friends and colleagues, both the majority leader and chairman of the Finance Committee, that I join them in urging our colleagues to vote in favor of cloture so we can move this bill on, so we can finish it. We have been on it now for almost a month. We have considered a lot of amendments.

That having been said, I do not agree with the process. The Senator from Montana knows that well. There are three bills that have been jammed into one. It is a very complicated bill. Two of the bills were reported out of the Finance Committee. We marked up those bills. They were included with trade

adjustment assistance which was rewritten on the floor. It did not come out of the Finance Committee. So I objected to that, and I objected to some of the amendments that colleagues tried to add. We fought those battles. We have had some good debate. We have won some; we have lost some.

Now is the time to have a cloture vote so we can bring this bill closer to passage and end the debate on trade promotion authority, which I happen to think is the most important provision in the bill.

I also believe the Andean Trade Preference Act needs to pass. Its authorization expired months ago, and tariffs were supposed to be imposed last week on four Andean countries that really need our help, tariffs as high as 15, 25, 30 percent on countries that have not had to pay those tariffs for the last 10 years. We need to assist those countries. It is not fair to Colombia, Bolivia, Peru, and Ecuador. They are our friends and allies. They have negotiated in good faith with the U.S. Government for a reduction in tariffs.

We have abided by that agreement for the last 11 years, and we said we were going to extend it. We have not done so. It is up to the Senate. That is our constitutional responsibility. We need to get that done.

I do not think the Andean Trade Preference Act should be in that package. I lost that debate. Senator DASCHLE and Senator BAUCUS decided to put it together. The only way we can help those countries is to pass this bill. If we do not get cloture, I am afraid the list of amendments will continue and never cease.

The only way I see getting to closure is to vote for cloture. I urge our colleagues, Democrats and Republicans: Let's vote for cloture; let's address those amendments that are still remaining that are germane postcloture. There will probably be a few. There is no reason we cannot finish this bill either later tonight or tomorrow sometime and get it to conference.

It is going to have a difficult conference because there are big differences. Frankly, the majority insisted on including trade adjustment authority and insisted on adding brandnew entitlements we have never had before in trade adjustment authority, including items such as wage insurance, which is almost anathema to the free enterprise system, but that is in this bill. We have to negotiate that with our House colleagues.

We have to negotiate a whole new tax credit to provide health care benefits that has never been a part of trade adjustment assistance. I am sure that is going to be debated extensively.

Anyway, it is going to be a very difficult conference. We need to begin that conference as soon as possible and hopefully come up with a bill that actually will promote trade, increase jobs, make us competitive, and help us to comply with international agreements.

I urge our colleagues to support this cloture motion.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Parliamentary inquiry, Mr. President. I believe we have about 6 or 7 minutes remaining. Five minutes. I yield myself some time under my leader time. That will still leave the final 5 minutes for the chairman and ranking member to speak.

I urge my colleagues to vote for cloture. We have been on this legislation for quite some time. I believe this is the fourth week we have been working on it, at least part of the time. We have had a number of amendments. We have won some, we have lost some, depending on your point of view. It has been a good debate. Senators have had a chance to offer amendments. It is time we bring it to a conclusion.

We need trade promotion authority for this President. We needed it for our previous President. I was for it when President Clinton was President. I think it is irresponsible for us not to have this authority to allow our Presidents, our administrations, to negotiate trade agreements that will help America and help our trading partners.

I do not want to get into a philosophical argument, but clearly it is the way America needs to go. We need to open markets, not be closing markets or closing our own markets. We can compete in the world trade market. We can produce more goods and more commodities. Our farmers need these markets, and this is the way to do it.

The second part of this legislation is the Andean Trade Preference Act. These countries in the northern tier and western side of South America are trying very hard to move toward economic growth, democracy, and freedom. They are doing a great job under very difficult circumstances—Ecuador, Bolivia, Peru, and of course Colombia.

It is very unfair that we have not already acted on this legislation. We are in an extension of time right now. Clearly, we need to pass this legislation. We need to separate the Andean Trade Preference Act and move it on in an expeditious way.

Last but not least is trade adjustment assistance. Different people will argue it is too much, it is not enough, but we have had trade adjustment assistance in the past. We do need to give some assistance to our workers, a bridge to the next job, maybe some training. There are health benefits. You can argue whether this is the best way to do it.

The bottom line is, we have done it. We have significant legislation in this area. When you put all of them together, it is time we bring it to a conclusion. If we vote for cloture now, we can finish this bill not later than tomorrow, and it would be a very high note for the Senate to finish up work before we go to the Memorial Day recess.

I urge my colleagues on both sides of the aisle: We have done a good enough

job. We should move to invoke cloture, stop the extraneous amendments, and then move to a conclusion.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. GRASSLEY. Three?

The PRESIDING OFFICER. Three and a half.

Mr. GRASSLEY. Mr. President, with today's vote on cloture on the trade bill, we move one step closer to reestablishing the United States global leadership and credibility in trade.

We move one step closer to being better able to advance this country's economic interests in this hemisphere. And we will be one step closer to bringing greater economic prosperity to every American family. That is because with today's vote, the President will be one step closer to getting one of the most important tools he needs to strengthen the American economy, and to create new American jobs.

American leadership in trade has floundered for the last several years. We have seen over 130 preferential trade agreements signed by our trading partners in the last few years, none of which included the United States. This proliferation of preferential trade agreements among other nations—including major U.S. trading partners such as Canada and Mexico—is harmful to U.S. trade interests. These agreements provide their members with preferential access to one another's markets—while disadvantaging American agricultural products, manufactured goods, and many services.

Some American companies overcome these barriers by producing overseas. Many small- and medium-sized companies can't do this however, and because they are less competitive, they lose opportunity after opportunity to their foreign counterparts. This loss of competitive ability by our export-dependent firms, as well as our farmers, means fewer jobs.

It means lost wages or income. It means that hard-working American families aren't able to pay the mortgage, or the farm loan, or provide better education or other opportunities for their children.

Today, as we speak, the United States is engaged in new global trade negotiations in the WTO. We played a central role in launching these negotiations. Last year, we helped draft a Ministerial Declaration—a roadmap for the new round of trade talks—that contained nearly every one of our priority

negotiating objectives, particularly in agriculture. As a result, we are poised to win unprecedented new market access for American agricultural products around the world.

In my State of Iowa, we know how important trade is to the family farmer. We export more than \$1 billion worth of everything we grow or produce on the farm, accounting for more than one-third of total Iowa exports to the world. Our farmers, our pork producers, our soybean growers all depend on the income they earn from exporting to take care of their families and their communities. And the plain fact is, they would have more export-related income if world agricultural tariffs were lower, and other trade barriers were reduced.

Restored United States leadership in free trade will benefit other as well. An aggressive, American-led effort to open world markets will mean more jobs for our highly competitive manufacturing sector. At the John Deere plant in Waterloo, IA, for example, one out of every five tractors built in the plant is exported, accounting for over 800 export-related jobs. If we gain access to more overseas markets through lower tariffs, we could sell a lot more of these tractors and create more jobs. Our service sector, which provides nearly 8 out of every 10 jobs in the United States, is even more reliant on open world markets.

Because we are so competitive internationally, we have an \$83 billion trade surplus in services. Liberalization of trade in services is only 5 years old. The potential to build even more American export growth in services is tremendous. TPA will help us realize this potential. With today's historic vote, America's days on the sidelines are numbered. America is almost back in the game.

I want to commend Senator BAUCUS and his staff for all they have done in moving this bill forward, and for working on a bipartisan basis to help restore America's leadership in world trade.

Mr. President, I strongly urge my colleagues to vote "yes" on cloture.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

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

THE WHITE HOUSE,  
Washington, May 22, 2002.

Hon. MAX BAUCUS,  
Chairman, Senate Committee on Finance.

Hon. CHARLES GRASSLEY,  
Ranking Member, Senate Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS AND SENATOR GRASSLEY: On behalf of the Administration, I wanted to thank you for all of your efforts to produce a bipartisan trade package. Those efforts appear to be nearing a successful conclusion with this morning's cloture vote.

It is our hope that a substantial majority of the Senate will vote to close off what has been a full and fair debate and then proceed to final passage of the bill. In that vein, I wanted you to know that the Administration

is opposing all further amendments to the bill. We hope that you will join us in order to ensure prompt passage of the bill.

Sincerely,

NICHOLAS E. CALIO,  
*Assistant to the President for  
Legislative Affairs.*

The PRESIDING OFFICER. The Senator from Montana has 37 seconds.

Mr. BAUCUS. I yield back the remainder of my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

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 Baucus-Grassley substitute amendment for Calendar No. 295, H.R. 3009, the Andean Trade Preference Act.

Max Baucus, Chuck Grassley, Orrin Hatch, Zell Miller, Blanche L. Lincoln, John Breaux, Mitch McConnell, Chuck Hagel, Robert F. Bennett, Christopher Bond, Ron Wyden, Ben Nelson of Nebraska, Patty Murray, Jeff Bingaman, Pete Domenici, Pat Roberts, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment 3401 to H.R. 3009, an act to extend the Andean Trade Preference Act to grant additional trade benefits under that act, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

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

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

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

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 122 Leg.]

#### YEAS—68

Akaka	Collins	Inhofe
Allard	Craig	Jeffords
Allen	Crapo	Johnson
Baucus	Daschle	Kerry
Bayh	DeWine	Kohl
Bennett	Domenici	Kyl
Biden	Edwards	Landrieu
Bingaman	Enzi	Lieberman
Bond	Feinstein	Lincoln
Breaux	Fitzgerald	Lott
Brownback	Frist	Lugar
Bunning	Graham	McCain
Burns	Gramm	McConnell
Campbell	Grassley	Miller
Cantwell	Gregg	Murkowski
Carper	Hagel	Murray
Chafee	Hatch	Nelson (FL)
Cleland	Hutchinson	Nelson (NE)
Cochran	Hutchison	Nickles

Roberts  
Santorum  
Smith (NH)  
Smith (OR)

Snowe  
Stevens  
Thomas  
Thompson

Voinovich  
Warner  
Wyden

#### NAYS—29

Boxer  
Byrd  
Carnahan  
Clinton  
Conrad  
Corzine  
Dayton  
Dodd  
Dorgan  
Durbin

Ensign  
Feingold  
Harkin  
Hollings  
Kennedy  
Leahy  
Levin  
Mikulski  
Reed  
Reid

Rockefeller  
Sarbanes  
Schumer  
Sessions  
Shelby  
Specter  
Stabenow  
Thurmond  
Wellstone

#### NOT VOTING—3

Helms

Inouye

Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, Senator NELSON from Florida is ready to go with his amendment. I ask unanimous consent that it be in order for Senator NELSON to call up his amendment No. 3440.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is now pending. The Senator from Florida is recognized.

Mr. NELSON of Florida. Thank you, Madam President.

May I inquire of the chairman of the Finance Committee, it is my understanding that the number of the amendment that you just asked me to call up—I want to make sure that is applicable postcloture, because I have amendment No. 3454 that I understand is in order. It is the same subject matter, but there was some technical scrivener's reason of why there had to be two amendments instead of one.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Florida has the floor on pending business before the Senate. Please take your conversations off the floor to the cloakroom.

The Senator from Montana.

Mr. BAUCUS. To answer my good friend from Florida, it is my understanding that either of the two could properly be called up at this time.

Mr. NELSON of Florida. I thank the Senator.

Mr. GRASSLEY. Reserving the right to object, I want to have a further un-

derstanding of where we are parliamentary-wise. The Senator from Florida is asking to take up a different amendment than the amendment that dealt with citrus?

Mr. NELSON of Florida. No. The amendment is the same. It is my understanding that for a technical reason, postcloture, it was to be divided into two amendments instead of one. It is the same amendment. I am just asking, before we start debating the amendment, to make sure we have the proper one called up.

Mr. BAUCUS. Madam President, further answering the basic question of the Senator from Florida, the amendment we have on the list that is ready to be brought up is No. 3440. That was my understanding; that is the amendment to be brought up.

Mr. NELSON of Florida. That is fine with me. I wanted to make sure we were in the proper legal structure because I had filed two other amendments that were the same subject matter that would be correctly drawn to the bill. As long as the chairman indicates that the one we had filed originally is OK, that is fine with me. The subject matter is identical.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have to temporarily object until we have an opportunity to study the amendment.

Mr. BAUCUS. Madam President, the order was already entered and no objection was heard. Amendment 3440 is the amendment that is pending.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending amendment. It has a drafting error and it amends the bill in two places and is therefore out of order. I raise a point of order.

Mr. NELSON of Florida. The present amendment does not amend the bill in two places. The one that has been called up by the chairman of the Finance Committee is the original one. The junior Senator from Florida is purely trying to get the issue out so that we can discuss it. I was told that postcloture it had to be drafted in a separate way. It is an identical amendment.

I will proceed with the amendment on the reliance of the statement by the chairman of the Finance Committee.

The PRESIDING OFFICER. The point of order is well taken. The amendment as drafted to amend the bill in two places is out of order on its face.

Mr. NELSON of Florida. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Florida does have the floor.

Mr. NELSON of Florida. Madam President, I will continue to speak on the amendment, and for whatever reason you all are objecting, I wish you would find out what technical reasons you have for an objection. I assure everyone, this is the identical matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think we can clear this up. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I do not want to relinquish the floor. I yield to the Senator from Nevada without losing my right to the floor.

Mr. REID. Madam President, I ask unanimous consent that we go into a quorum call with the Senator from Florida recognized when we come out.

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

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

AMENDMENT NO. 3454 TO AMENDMENT NO. 3401

Mr. NELSON of Florida. Madam President, pursuant to the discussions we have had, I call up amendment No. 3454 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 3454.

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

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

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

Mr. NELSON of Florida. Madam President, I rise today to address the Senate on trade promotion authority and the opportunity this country has before it to participate in free trade.

I am a free trader. I believe it is a net benefit for both my State and the country to reduce tariff barriers and open markets to other nations.

We must do this in a manner that respects fair trading practices by important industries in the United States that are the engine of our economy. Need I remind everyone that in the war against terrorism, it is not only that

we have to be politically and militarily strong, but we have to be economically strong as well?

There is some debate over our last free trade agreement with Mexico and Canada. I was a supporter of NAFTA and believed it was an important part of the economic growth the United States experienced in the decade of the 1990s. But NAFTA arranged for side agreements relating to certain industries our trading partners did not live up to. One of those clearly affected Florida. It was a side agreement that was going to be protective of winter vegetables, specifically tomatoes. That side agreement was not lived up to with regard to the importation of Mexican tomatoes, with the result that whereas Florida used to have a huge percentage of the national market of winter vegetables, we now supply only 30 percent. You can imagine what that has done to some of the fruit and vegetable farmers in Florida.

As we open our markets to all of the countries of the Western Hemisphere, we must consider how we can learn from and prevent these kinds of situations we have had in the past with things such as NAFTA and how we can prevent that from occurring in the future. That is why Senator GRAHAM and I have introduced this amendment to the TPA legislation that cuts right to the heart of free and fair trade.

This amendment says tariffs may not be reduced on commodities on which there is an existing antidumping order or an existing countervailing duty order. What does that mean? Well, I am going to explain it, if I may. When the executive branch, the Congress, or particular industries believe a certain nation is engaging in some kind of unfair trade practice on a particular commodity, then they go out and petition the International Trade Commission to investigate the trade of that particular commodity. That is what has happened with the recent steel case. If a thorough investigation by the International Trade Commission finds that an important product is being sold below fair market value and that a U.S. producer is thereby being harmed, it is considered dumping, an anti-competitive practice. Dumping is, in essence, price discrimination against U.S. consumers.

Now, there is another kind of order. This is an order that if a foreign government is subsidizing a particular commodity—a foreign government subsidizing a particular commodity—then that order would provide that those foreign manufacturers, or exporters—because they have that unfair competition because their government is subsidizing their particular commodity, and they are going to have an unfair competitive advantage; therefore, the Department of Commerce would issue a countervailing duty order.

So it follows that if a country or company is found by the International Trade Commission, or the Department of Commerce, to be actually engaging

in unfair trade practices in such a clear-cut manner that it is issued either an antidumping or countervailing duty order, then under this amendment, while those orders are in place, those tariffs would not be reduced on those commodities until that dumping, or subsidizing, had ceased and the order had been removed. That is just as common sense as you can make it.

If you have anticompetitive behavior by a foreign government or foreign countries and there is an order out there put in place by the Department of Commerce or the International Trade Commission, as long as those orders are in place, you are not going to let the tariff be reduced that protects the U.S. consumer because it simply doesn't make sense to reward countries by further opening U.S. markets to commodities that are currently being dumped in the country by our trading partners until the dumping has ceased.

Now, some may argue that this amendment is not compliant with the World Trade Organization, the organization that administers trade agreements among nations, the organization that acts as a forum for trade organizations, the organization that settles trade disputes, and the organization that reviews trade policy. Well, some may argue that this amendment doesn't comply with that. I disagree.

First of all, the World Trade Organization's compliance should be judged based on the substance of trade agreements. This legislation is not the substance of trade agreements; rather, this legislation states the terms by which Congress will consider providing fast-track authority to such trade agreements. World Trade Organization compliance will be assessed later when a trade agreement is completed. So that argument doesn't wash as a counter to BOB GRAHAM's and my amendment.

Second, they might argue that this amendment provides a double penalty upon countries that practice anti-competitive behavior. Well, that argument is not accurate either. It is widely understood that antidumping orders are not viewed by the WTO as punitive. Instead, they are viewed as remedial.

Finally, some would argue against this amendment and act as if tariff reductions are a divine right. Tariff reductions are not a divine right. Tariff reductions should be viewed and approved on their face after consideration of all the facts. They should be viewed as mutually beneficial in a bilateral or multilateral scenario. Withholding a benefit should not be considered assessment of a penalty.

I might also add that this amendment of Senator GRAHAM's and mine does not violate the core basis of the Uruguay Round of tariff negotiations, and ultimately that Uruguay Round created the World Trade Organization. WTO compliance is not an issue in this debate. Instead, it is being used as a red herring to try to defeat this amendment.

For all of these reasons, I submit that this legislation doesn't violate the norms of the WTO and, actually, should strengthen the administration's hand at the negotiating table. Let me say that again to my friends in the administration, who have fought Senator GRAHAM and me tooth and toenail on what is free and fair trade. This amendment will actually strengthen your hand at the negotiating table by being another instrument to help you make sure there is free and fair trade, as we want to open up free and fair trade.

While the \$9 billion Florida citrus industry is a concern to this Senator and my senior Senator from Florida, this amendment clearly affects many other commodities, including honey, steel, preserved mushrooms, Atlantic salmon, and sugar, and a whole number of other items I am going to list. We must not reward countries that engage in anticompetitive, predatory trading practices.

Madam President, my concern that we not undermine our antidumping procedures does not make me any less of a proponent of trade promotion authority in the best interests of my State and the country. Florida is an exporting State, and exports mean good jobs. According to the Department of Commerce, 11 greater Florida metropolitan areas posted exports of more than \$120 million in 1999: Miami; the Tampa Bay area; Fort Lauderdale; Orlando; the West Palm-Boca area; Jacksonville; Melbourne, my hometown in the Brevard County area; Lakeland; Sarasota; Panama City; and Daytona Beach. Florida exported goods worth \$24 billion in that year to more than 200 foreign markets.

These goods include computers, electronic products, machinery transportation equipment, chemical manufacturing, electrical equipment, appliances, and agricultural products. Trade promotion authority has the potential to open markets to Florida's entrepreneurs and small businesses and farmers.

I have been contacted by many Floridians asking me to support TPA, and I have by voting for cloture so we can move on with this bill. I helped out the Senator from Texas yesterday when there was an amendment that was threatening the stability of the bill. I ask my colleagues to support TPA, and I also ask our colleagues to support this amendment of Senator GRAHAM and me that improves the underlying legislation and would ensure we have free and fair trade.

I will tell my colleagues how important this is—other than to Senator GRAHAM and me for frozen orange juice concentrate, of which Brazil has 50 percent of the world market. If that tariff protecting the Florida citrus industry, the California citrus industry, and the Arizona citrus industry from unfair competition by dumping a product is taken away, Brazil, with 50 percent of the market, will take over 100 percent of the market, and that is not free and fair trade.

I do not know why the Senator from Texas and others—we talk about the purity of the legislation. I helped him yesterday. I cannot understand. We are talking about free and fair trade. We are not talking about monopoly trade which will occur to the detriment of California, Arizona, and Florida unless this amendment is adopted. There are plenty of other States, I say to Senators, that better be forewarned and forearmed that if they do not protect this legislation with this amendment, then those orders protecting the commodities from their States are not going to be protected in the future.

Let's talk about some of them. How about Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois with regard to steel products—steel products including barbed wire, welded carbon steel pipe, line and pressure pipe, oil country tubular goods, hot-rolled carbon steel flat products—all of those products that are manufactured in Senator LUGAR's State of Indiana.

The two Senators from the State of Ohio, Senators DEWINE and VOINOVICH, and the two Senators from Pennsylvania: Are you paying attention?

The Senators from New York: Are you paying attention?

Maryland, Illinois: You are going to lose the protection of your steel products and the orders that are out there protecting them unless you vote for this amendment.

Let's take honey. The Senators from Montana, North Dakota, South Dakota, and California—California has a big honey industry: You are going to lose your protection of those existing orders if this amendment is not adopted.

How about sugar? Sugar is going to be threatened by Belgium, France, and Germany, and I am talking about Louisiana, Hawaii, Texas, California, Idaho, Michigan, and Minnesota.

I inquire, Madam President, it is my understanding the side proposing the amendment has 1 hour; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. I thank the Chair.

I want to make sure those interests that are protecting sugar from the European Union, Germany, France, and Belgium, which include Louisiana, Hawaii, Texas, California, Idaho, Michigan, Minnesota, New Mexico, North Dakota, Ohio, Oregon, Washington, Wyoming, Nebraska, and Montana—do you realize that your commodities are threatened if you cannot protect them with your existing orders?

Let's talk about some of the steel products that would be threatened by Brazil. Carbon steel butt welded pipe fittings, iron construction castings, brass sheet and strip—and I could go through a whole list of steel products. Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Wisconsin: Senators, are you listening?

How about fresh Atlantic salmon from the States of Maine and Alaska?

Senators from Maine, Senator COLLINS, and Senator SNOWE: Are you listening? Your orders protecting the dumping of products out of Chile are not going to protect your salmon.

Senator MURKOWSKI: Are you listening? You are not going to be protected from Chile's dumping of Salmon unless you protect those orders that are outstanding.

How about Oregon's mushrooms being protected from Chile? If they do not keep those orders and they allow those orders to be cast aside and the tariff to be reduced, it is not going to protect them.

How about Alabama, Georgia, Texas, and Kansas on the cement industry being protected from Mexico? Senators from Alabama, Senator SHELBY and Senator SESSIONS: You are not going to be protected on your orders that protect your cement industry unless you protect those orders from being undermined by the adoption of this amendment.

What about the State of New York? Antifriction ball bearings being protected from Singapore. There is an order there.

How about Montana, the Dakotas, and California, as I mentioned earlier on honey? The last time I mentioned honey, it was Argentina. Your products are not going to be protected.

Also in Argentina, they produce hot-rolled carbon steel flat products, and Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Senator FITZGERALD, they are not going to be protected, those same States being protected from Brazil on a countervailing duty.

Earlier, I talked about the antidumping orders, honey from Argentina, hot-rolled carbon steel flat products from Argentina; steel products from Brazil has another kind of order against it, according to the Department of Commerce, because they have evaluated the situation and determined those two countries have unfairly subsidized those products I just listed—honey, affecting Montana, the Dakotas and California; Argentina, affecting hot-rolled carbon steel flat products affecting Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois; and Brazil, affecting a multiplicity of steel products; that the governments were, in fact, subsidizing those products; that the Department of Commerce of the United States would have an order to protect those products.

Folks, this is a foreign country subsidizing against the products coming from your States, the U.S. Department of Commerce issues an order, and that order is going to be in jeopardy of being ignored unless you adopt our amendment. It is a commonsense amendment. It is an amendment that simply states that as long as there is an order from either the International Trade Commission or the U.S. Department of Commerce protecting a commodity because it is being unfairly dealt with in anticompetitive behavior



in international trade, that as long as that order exists, this amendment says you cannot reduce the tariff.

Madam President, to retain the floor, since we have had some squabble, I yield to my colleague, and upon the finishing of his remarks, I seek to retain the floor. I yield to my colleague from Florida.

The PRESIDING OFFICER. Is the Senator seeking consent to that effect? Mr. NELSON of Florida. Yes.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The Senator cannot control the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. Then, Madam President, it is interesting we are talking about free and fair trade. What we ought to have is free and fair debate. Earlier, because of some technical reason, people from that side of the aisle were trying to prevent me from offering my amendment that I have been waiting in the queue very patiently for weeks to offer. I have become a constant visitor with the chairman of the Finance Committee and with the ranking member, seeking to protect an industry from Florida facing life or death, an industry that is so important to the State of Florida that the license tag of the State of Florida has emblazoned upon it the emblem of that industry, the Florida orange.

I thought about free and fair trade we could have a free and fair debate. So, Madam President, I have said my piece. I will relinquish the floor. I hope others will accord me the privilege within the span of the hour, that should additional things arise, they will give me the courtesy of being able to speak. I thank the Senate for indulging us and giving us an opportunity in which to air an issue that is most important to all of these States and most important to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me first respond by saying each Senator has a right to the floor. No one can prevent a Senator from having an opportunity to be recognized. Second, the Senator is offering this amendment now because of the willingness of the chairman and the ranking member and every Member of this body to allow him to jump ahead in line of literally dozens of amendments that were filed earlier and that could have been offered before his amendment.

If we had followed the rules of the Senate, instead of granting the Senator special privilege, we would have had a fairly substantial number of amendments that we would have had to deal with before he could have ever presented his amendment. I don't know if there is any perception of a grievance here. A, I am sorry; and, B, I don't think there is a basis for it.

Now, let me address the substance of this amendment. It always amazes me when people are free traders and all they can talk about is your commodities are threatened and you are losing protection. This amendment is a protectionist amendment. This amendment is an effort to take all those products the Senator mentioned off the table in terms of future negotiations, even if the negotiations have to do with eliminating unfair trade practices.

It is also based on a false premise. Every Member of the Senate should understand this false premise. The false premise is that if there currently is a countervailing duty or an antidumping order on a product from Texas—let me take honey; I don't know that there is such an order, and I am not seeking such an order, but for every honey producer I have, I probably have 500,000 honey consumers. So it always is amazing to me that everyone is willing to let consumers pay a higher price by preventing competition, but let me just take my example—say there was a countervailing duty on honey, that we concluded that honey was being sold too cheaply to schoolchildren. It is an excellent source of nourishment, an excellent product people like to eat. But it is being sold too cheaply. We don't want them to have it that cheaply. So we have a countervailing duty on it.

Listening to the Senator from Florida, one would assume that if there is a trade negotiation put into place and is consummated, and in that process we change the duty on honey, that it overrides the antidumping agreement. That is totally and verifiably false. Let me say that again. If there is a countervailing duty on honey, if there is an antidumping order on honey, and under this bill the President negotiates a trade agreement, say, with Chile, that affects honey—it does not override the countervailing duty, does not override the antidumping order—those orders would still stand until they are removed.

In listening to the Senator from Florida, you get the idea that the President can negotiate away these antidumping orders. Not so. They still stand until they are removed.

If you look at the language of the Senator's bill, it is clear his concern is not with countervailing duties and dumping, even if they are removed. Even if the cause of their imposition is eliminated, you cannot negotiate a trade agreement involving those items for 1 year after the problem is fixed. In the end, this amendment takes off the table in trade negotiations literally hundreds of items.

Let me argue why that should not be done. We are trying to promote trade. We are trying to see a benefit from trade through competition.

Second, how can the President negotiate with countries if we are taking all the things they produce—the things they are most sensitive about, the things they are most concerned about,

and the things they have a comparative advantage in—off the table? If this amendment were adopted, it would be a body blow to our whole effort to negotiate free trade agreements with countries such as Chile, countries that are major agricultural producers.

I remind my colleagues what the Senator's amendment does is deny the ability to negotiate a trade agreement containing these items, even though the fact they are contained in the agreement does not override a countervailing duty, if the agreement is ratified by the Senate, does not override a dumping order. We simply have this being used as a ruse to take numerous items off the table.

We are down to the point now where we have debated, for many weeks, the effort to give the President fast-track authority. The administration is adamantly opposed to this amendment because they believe it guts the very foundation of trade promotion authority and it does it in two ways. It takes off the table numerous items that are important to other countries, in terms of their negotiation and, quite frankly, important to us.

Part of a trade negotiation can be aimed at unfair trade practices where, if a country is subsidizing steel or some other product, part of the trade negotiation can be to require, as part of what they are giving in return for our opening markets here, they are opening their markets there—part of what they can give up is these subsidies. But the amendment of the Senator would say: No, those negotiations cannot occur within the context of trade promotion authority, even if the negotiations occurred, unless the antidumping order were vacated. Unless the countervailing duty were overturned because the causes of it were changed, nothing in this new free trade agreement would have any impact.

If Chile is dumping honey—and, God forbid, because schoolchildren would be getting honey too cheaply and they would be harmed, I guess—but if Chile is dumping honey, under this amendment you could negotiate a trade agreement that involved honey, even though no trade agreement we could negotiate would overturn the countervailing duty. It would still be in place. Only if it is removed in the future because the underlying cause is removed, then the trade agreement would go into effect.

The Senator talks about life and death of his State. We already have in the bill a limitation on the ability of the President to negotiate in the area of frozen concentrated orange juice, one of America's great foods. Every child in America should drink orange juice every morning. Yet we have prohibited the President from having full power to negotiate with regard to frozen orange juice. Why? Basically because this industry wants protection. We have chosen between orange juice producers—and I have some in my State—and all the children in America

who ought to be drinking orange juice in the morning.

Talk about unfair trade practice, that is one of them. The point is, it is not as if we have not already given special protections to the very industries the Senator is talking about. What he is doing is trying to take off the table a massive range of items that, in reality, would say that you could vote for trade promotion authority knowing no trade is going to be promoted. This amendment would destroy the foundations of trade promotion authority and it should, and I believe will, be beaten.

But I finally want to address one point that I have just been dying to address throughout all these debates. Some people act as if you can have trade without having trade; that when you enter into a free trade agreement it is fine to have trade as long as your trading partner doesn't sell anything in your country.

I have been on the Finance Committee for some time now. The Senator from Florida mentioned tomatoes. When we entered into a free trade agreement with Mexico, they started selling a lot more tomatoes. I am a big tomato buyer. I speak with some authority on the subject. Why is Mexico selling all of these tomatoes? For two reasons. No. 1, they are better; they taste better. If you have not compared a Mexican tree-ripened tomato with a domestically produced tomato then you are making a bad mistake. I ask anybody in America to submit to the taste test. The Mexicans have sold more tomatoes for one simple reason—well, two, really, but one is dominant: It is a better product. It is a superior product. You can taste it and you can taste the difference.

The reason they can do it is they handpick these tomatoes and they put them in these cartons like egg cartons. They are ripened when they are picked, they ship them to market, and people buy them.

It is true that the people who were producing tomatoes before we entered into the agreement are not selling as many tomatoes, but what is trade about? If trade is not about letting superior products displace products that are not as good, what is the purpose of it?

The second reason they sell more tomatoes is they are cheaper. So how in the world can we claim we are for free trade, we want more trade, but then we protest, we are self-righteous, we are outraged, when our competitor, producing a better product at a lower price, is successful?

People are for free trade but they are not for trade. They are for opening markets as long as nobody sells anything in the United States. It is amazing to me, the convoluted way we see trade. If we could just send everything we own abroad, people would be happy. Exporting they love—just give it away, let it go—but if we bring anything to America, somehow, something is wrong with it.

I close with this point. It is interesting how differently we view the world today on this issue than it has been viewed historically. I go way back by quoting Pericles. When Pericles spoke in the funeral oration, and he was trying to sum up the greatness of Athens, it is interesting that the example he came down to was imports.

The luxuries of the world are as freely available in Athens as they are at those places in the world where those items are produced.

The greatness of America is that people we do not even know, who do not even know us, are working to produce things to bring to our market that we can consume. You have products coming on trains and boats, this whole effort, all aimed at bringing to our feet the benefits of trade. Because we are the one nation in the world that understands how we benefit.

Look, I am sympathetic. I have lots of people in my State who have lost from trade, who could not compete. But has the Nation lost? If I had tomato producers in the valley who lost their markets to Mexican tomatoes, they have lost. But has America lost if we have better tomatoes at a cheaper price? And what will Mexico do with that money? Every dollar they get, they are going to spend on American products.

We know from trade data that the wages in those industries where they are going to buy products are 16 percent above the norm.

I submit with all respect that when we focus on trying to protect people from losing from successful trade, rather than focusing on trying to develop more winners, we miss the genius of the product.

Finally, provisions in this bill—which I do not support but are in the bill and I voted for cloture and I am going to vote for the bill—say that if you are a tomato producer and you lose your job, you get 2 years of unemployment benefits, you get 70 percent of your health care cost, you get a wage guarantee. Whereas, if other people lose their jobs because a terrorist blew up a plant they worked at, they get 26 weeks of unemployment and nothing else. So it is not as if we are not trying to cushion people who happen to lose from successful trade.

I submit that this amendment is protectionist and that it aims at protecting industries from competition. It is based on the false premise where it tries to get people to believe that by letting the President negotiate in areas where we have antidumping and countervailing tariffs, somehow those negotiations overturn those tariffs and those countervailing duties. They do not. Those stay in effect until they are removed, even if there is a free trade agreement.

I have not proposed—and I don't know anyone who has proposed—that they be removed because of the free trade agreement. The source of unfair trade has to be eliminated for those

countervailing duties and for the antidumping measures to be repealed.

But to simply say, even though they will not be changed by free trade agreements, that you can't even negotiate a free trade agreement that would involve products that are currently subject to these penalties, even if the negotiations are aimed at eliminating the subsidies, and then saying even if you eliminate the penalties, even if you find they have stopped dumping for a year after there is no problem, you still can't negotiate an agreement—it seems to me that the sole purpose of such an amendment is to prevent the President from negotiating agreements.

The problem with it is that we want to negotiate because we want everybody in the world to have an opportunity to fly on a great airline or to use the finest computers or to buy things we produce. But in order for people to be willing to let our products into their markets, we have to let their products into our market. There is no such thing as a single-entry bookkeeping system where people say: Well, whatever is great for you we agree to, but then nothing that is great for us can be considered.

I urge my colleagues to reject this amendment.

Let me tick off some of these States. If you were from Texas—and I am, and I thank God for it every day—and we have honey producers—and I thank God for them, too—and they were subject to protection under antidumping, and the President under this bill negotiated a free trade agreement with Chile—which I hope he will, and I am for it—it would help Chile, and it would help America; it would be good for the world.

Please understand that will not overturn countervailing duties against honey. It will not overturn antidumping measures against honey.

The same is true for steel from Pennsylvania. The same is true for avocados from Arizona or from California. Nothing in our bill gives the President the power to negotiate eliminating antidumping measures or countervailing duties. He can negotiate tariff reductions that go into effect once those problems have been solved. But a treaty negotiated under this bill does not override those measures. Since it doesn't override those measures, why in the world would you want to ban the President from negotiating in these areas?

It seems to me there are two reasons. One is you are confused—I don't believe any Member of the Senate is confused—or you want to protect these items from competition. It would be great if you had this view of the world and would not let people competing with us sell anything. We sell everything. That is a strange view of the world. But some people have it. But nobody else will do that.

If you implement all of these restrictions, just understand, when the Senator from Florida went through that -

long list of things that could not be negotiated—it was a long list; I am sure he has more—and asking if Senators were listening—how would you ever negotiate a trade agreement if you couldn't negotiate any of those items? Those are all items we import. I can assure you that Chile or Europe or whoever is negotiating with us is very interested in those items.

So I urge my colleagues to reject this amendment. We have shown by an overwhelming vote that we want to give the President trade promotion authority. To go back now and enact a gutting amendment that would destroy the whole trade authority for the bulk of items that America buys on the world market would mean it is not useful. It would be like giving the President a car without an engine or wheels. You could say you gave him 90 percent of a car; it just doesn't have a starter. What good is it? You can look at it, you can sit in it, but you can't do with it what cars are supposed to do.

If we give the President this trade authority but we don't let him enter into any agreement in all these different areas, what have we given him? Something nobody will let us use in negotiating with them.

I urge my colleagues to reject the amendment and vote for the motion to table.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, it is my understanding that the Senator from Iowa wants to speak. I would simply defer if he would like to speak. But in light of the fact that he is not seeking recognition, let me address some of the points the Senator from Texas, my friend, has just raised.

The Senator from Texas said the President can negotiate. The fact is that this amendment will help the President in his negotiations, for addressing the question of the existing orders in trade negotiations is ultimately going to foster that negotiation. The question is not whether the President and the administration can negotiate. Clearly, the President is unimpeded in that ability to negotiate. The subject of this amendment is whether or not, when there are orders existing, they have to be taken into consideration in the negotiations with regard to the reduction of a tariff.

Mr. GRAMM, the Senator from Texas, asserts that clearly 100 items with existing orders and protection from anti-competitive behavior would be taken off the table. He is right.

The Senator and I agree on two things. First of all, we support the overall legislation as free traders. We certainly agree that there are lots of items. All of these items are covered by antidumping orders or countervailing duty orders. This amendment forces the President to address the anti-competitive behavior that led to the order being issued in the first place.

Who issues the order? If it is anti-competitive behavior through dumping

of a product onto a market and trying to drive the U.S. competitor out of business, then it is the U.S. International Trade Commission. If it is the anticompetitive behavior of a foreign government that is subsidizing the product to the disadvantage of the American product, then the order is issued by the U.S. Department of Commerce.

So this amendment does not deny the ability to negotiate. It does assist the negotiations. I think in this arcane language of trade promotion, and so much of which we refer to by acronyms—TPA, and TAA, and whatever the acronym is for the Andean Trade Act, which I support—it is often lost over the bottom line of what is free and fair trade. We, of course, want international trade. We want competition.

So as I see my colleague from Florida in the Chamber, who wants to speak on this amendment, I will just again reiterate the points that I made before in rebuttal to the Senator from Texas.

First of all, in relation to World Trade Organization compliance, whenever anybody says this is going to mess up the process of the WTO, well, the WTO compliance should be judged based on the substance of trade agreements. With this particular amendment, the substance of the trade agreement is not harmed, but, rather, this amendment states the terms by which the Congress will consider providing the fast-track authority to such trade agreements. The World Trade Organization compliance will be assessed later when a trade agreement is completed. It does not impede the President's ability to negotiate at all.

Second, when the opponents of this amendment say this amendment provides a double penalty upon countries that practice anticompetitive behavior, that is not accurate. It is widely understood that antidumping orders are not viewed by the WTO as punitive, that they are viewed as remedial.

Third, let's understand that tariff reductions are not a divine right. Tariff reductions should be viewed as mutually beneficial as we go about the process of bilateral and multilateral negotiations. Withholding of a benefit should not be considered assessment of a penalty. Rather, what we should try to strive for is the goal, at the end of the day, of free and fair trade, not the running of a particular business or industry out of business just for the sake of doing that, when, in fact, there are existing orders to protect them against anticompetitive behavior.

Madam President, I yield the floor and look forward to the comments of my distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, I am very pleased to join this afternoon with my colleague, Senator NELSON, in offering this amendment to the trade legislation.

I am a strong supporter of expanded trade. I believe in the principle that if

the world trades with each other, it will not only give us greater assurance that competition will be in commercial areas, not in military areas, it also gives to the world the opportunity to get the best quality and priced products that are available.

I believe in competition and that the United States will, in the future, as it has in the past, fare very well if that competition is fair. Free trade does not mean trade with rules of anarchy. Free trade is associated with fair trade, trade that is under a rule of law that sets certain standards of behavior for the participants, whether they be nations or individual economic entities in that trade.

Madam President, as you will recall, we spent a considerable amount of time last week debating what is known as the Dayton-Craig amendment. That amendment, offered by our distinguished colleagues from Minnesota and Idaho—one a Democrat, one a Republican—essentially said this: That while we were granting, with the Trade Promotion Act, broad authorities to the President to negotiate, and we were giving to the President our future right to amend those negotiated agreements by accepting the fact that whatever is negotiated we could either provide a green light of "yes" or a red light of "no," but we could not offer a yellow light of "caution" or "modification," but that we were going to exclude certain items. We voted, therefore, for the Dayton-Craig amendment, which said that from that general policy of providing the President broad negotiating authority, we were going to exclude certain items and require that they be brought back to the Congress for a vote on those items, specifically without the protection of fast track.

First, what was it that we protected? We said if our negotiators were to negotiate and alter the basic laws that this Nation has developed over the years, which give us greater assurance that trade will not only be free but fair, those matters would require specific and individual congressional approval.

The first provision was the antidumping provision. Antidumping is where a specific commercial entity is alleged to be trading in a product at a price which is below that company's cost of production in the country in which it produced the product. So that whether it is an agricultural product or an industrial product, America is not going to become the ultimate target for predatory marketing practices, where an entity that has a product of which it cannot otherwise dispose dumps it on the United States market at a price below what it cost them to produce, therefore threatening the survival of American enterprises which have to sell their product at least at what it cost them to produce or they will be out of business and their workers will be out of jobs. That does not seem to be an unreasonable provision.

The second provision that the Dayton-Craig amendment gave special

treatment to was countervailing duties. What is that? Those are directed at nations which have practices that subsidize a particular product, so that when it is sold, it is effectively sold at less than what should have been the cost of production. That is where a government provides special benefits that distort the competitive marketplace.

Those are the two areas that were protected from fast track by the Dayton-Craig amendment. Those were adopted by the Senate by a substantial majority. We have done this because we recognize the importance of protecting the international marketplace of commerce from these trade practices which could be so distorting and which would defeat one of the basic principles of free trade which is that you encourage competition on a level playing field and whoever can prevail on that is the victor. This tilts the playing field toward one company or one country because of practices that distort that level playing field.

The amendment that Senator NELSON and I are offering today is the implementation of the objective of the Dayton-Craig amendment. Dayton-Craig intends to assure us that we will continue unless the Congress—and I think it is unlikely—would vote to eliminate our current laws against dumping and against providing government subsidization at below the cost of production—but assuming that those basic principles of fair trade prevail, what our amendment says is that the reduction in tariffs that are provided under the Trade Promotion Act “shall not apply to a product that is” at that time “the subject of an antidumping or countervailing duty order . . . unless”—and the Senator from Texas, my good friend whom I respect and refer to as my Teutonic cousin, did not mention the provision—“unless the agreement”—that is, the trade agreement which purports to change the tariff on a particular product—“provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.”

Under our amendment, our negotiators would be authorized to negotiate tariff concessions, but at the same time they would have to negotiate appropriate conditions or qualifications that would assure to the United States that those concessions would not be implemented until 1 year after that country or that company has met the requirement to rid itself of the antidumping or anticountervailing duty provision, which means that they had stopped the predatory practices that had disrupted the level playing field of international commerce.

I do not find that to be a radical or extreme position. If you believe we should have these methods of enforcing

fair trade, antidumping and countervailing duties, then certainly you have to believe we should have the means of protecting ourselves against a country which has violated those laws, is under a sanction for that violation, and is now trying to get tariff concessions to increase their ability to act in a predatory way against the United States.

This issue should not be partisan. It should not be regional. It should not be a provision which divides the Senate, in my judgment, particularly based on the vote we took last week on Dayton-Craig. It ought to be a unifying amendment.

This issue has been a unifying issue in our State of Florida. I will submit for the RECORD a letter which was sent today by our State Governor, Jeb Bush, to both Senator BAUCUS and Senator GRASSLEY. I will submit it for the RECORD, but let me read in part:

I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin.

I believe this is a very important amendment, if we are dedicated to the principle of providing our President the capability to negotiate to expand trade in the United States. But we have reserved for the Congress the right to review specifically any changes that are made in that process that relate to our ability to enforce fair trade.

And now with this amendment, we would give real teeth to that sanction by saying, having preserved our ability to maintain a level playing field of fair trade through the ability to impose countervailing duties against a nation or antidumping orders against a particular commercial entity, now we can give strength to that by saying, if you are under those sanctions, either one, you would not be eligible for tariff concessions until you had purged yourself for 1 year of those predatory practices.

I believe we should send a very strong signal to our trade partners that if they are willing to play by the basic rules of fair international commerce, we are prepared to open our markets even further to them. But until they are willing to do so, until they are willing to give up their previous practices that have distorted that international market, they will have to pay the price of those actions in the form of their noneligibility to receive any tariff concessions from the negotiations by our President which will be eventually submitted to this Congress for its up-or-down vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank our colleagues from Florida, Senator GRAHAM and, in particular in this case, Senator NELSON. They are really good Senators. Senators are

elected to defend the interests of their State and defend their people and try to help economic growth and development in their States. We all do that, all of us as Members of the Senate. For those folks in Florida who may be watching and are interested in this subject, I want them to know that their two Senators are doing a great job. I hear from Senator NELSON and Senator GRAHAM constantly on this issue: What we can do; how can we work this out; how can we compromise; what can we do to help here. I commend the two of them for their very strong, valiant effort.

This is a subject with which we are wrestling. We have to make a judgment as to where we draw the line with respect to helping protect industries and products in our own country and States. The real question is, What about agricultural products which are by their nature sensitive? Under current law, the President does not on his own have the authority to reduce tariffs on such products. He has to get the approval of Congress. That is current law. The other body passed legislation which basically gives the President the authority to reduce tariffs on certain products by proclamation, up to 50 percent of the current tariff rate. The other body added that the President may not reduce tariffs by proclamation with respect to import-sensitive agricultural products; not only not by 50 percent, but not a single percentage point in reduction of tariffs for these products.

Our underlying bill has those same provisions; namely, the President has the authority, by proclamation, to reduce tariffs by up to 50 percent on most products, but not with respect to import-sensitive agricultural products.

There are other provisions in this bill which help address the concerns raised by the Senators from Florida. For example, the bill provides a special consultation procedure for negotiations on import-sensitive agricultural products. That is, before initiating negotiations on these products, the U.S. Trade Representative is required, under the provisions of this bill, to engage in special consultations with the Finance Committee and with the Ways and Means Committee in the other body and also with the Agriculture Committees in both bodies.

This measure is designed to help give that extra protection for those very sensitive industries. I know the Senators from Florida would like to go further. They would like the legislation to provide that the President may not come back to Congress with tariff reductions.

I ask unanimous consent to print the letter from which I quoted in the RECORD.

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

STATE OF FLORIDA,  
OFFICE OF THE GOVERNOR,  
Tallahassee, FL, May 22, 2002.

Hon. MAX BAUCUS,  
Senate Finance Committee, Dirksen Senate Of-  
fice Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: I am writing to bring to your attention an important issue concerning Florida citrus during your consideration of Presidential Trade Promotion Authority. It is critical that the Congress support the citrus industry's efforts to address unfair trade practices and dumping against Florida's agriculture interests.

As Governor of a state with a large agriculture base and a vibrant international trade sector, I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin. The continued encroachment of unfairly traded imports will severely impact the citrus industry.

In seeking to create legislation that will help promote free but fair trade for our country's industries, I hope that you will take into consideration the need to support import sensitive products in pending legislation and future negotiations. I appreciate your consideration of my comments. Please do not hesitate to contact me should you have questions or concerns.

Sincerely,

JEB BUSH,  
Governor.

Mr. BAUCUS. Under the Nelson amendment, not only can the President not proclaim tariff reductions on import-sensitive agricultural products, he cannot even negotiate a new agreement reducing tariffs on those products. To be truthful, that presents a lot of problems. It violates the principles of MFN—most-favored-nation trading status—which is, whenever we grant a tariff reduction to one country, it is granted to all countries. That is the basic underlying principle of GATT and WTO for all countries. What you give to one, you give to all. Otherwise, there would be this crazy system where it would be virtually impossible to trade.

This amendment would violate MFN, because, if the United States were trying to negotiate tariff reductions on a certain product in various countries, but at the same time there was an outstanding order on the same product with respect to one particular country, this amendment would say the President cannot reduce tariffs because of that one country. If one particular country were under restrictions, this amendment would prevent the tariff from being reduced on that product for all countries. Therefore, it violates the principles of MFN.

Madam President, I very much understand the efforts of the Senators. They make some good points. I just don't know that it is proper to tie the President's hands to such a great degree. This amendment will prevent the President from coming back to Con-

gress in negotiating tariff reductions when there is an outstanding order.

I urge Senators not to support this amendment. We have given a lot to import-sensitive agricultural products in this bill. The pending amendment goes too far. I think it should be rejected.

Mr. NELSON of Florida. Will the Senator from Montana yield?

Mr. BAUCUS. Yes.

Mr. NELSON of Florida. If there is no more debate, I am ready to put the question. If the Senator will instruct Senator GRAHAM and me when to put the question, we will request the yeas and nays.

Mr. BAUCUS. Madam President, in answer to the Senator's question, I know of no other debate. However, due to extraneous circumstances, we cannot have a vote until at least 2:05. We can get the yeas and nays and order the vote for an up-or-down vote on the amendment. The vote can begin at 2:05.

Mr. NELSON of Florida. Is it in order to ask unanimous consent to have the yeas and nays and a vote to occur at 2:05?

Mr. REID. Madam President, we would have no objection from the Republican side if that would be a motion to table rather than a straight up-or-down vote.

I amend the request of my friend from Florida by asking unanimous consent that we have a vote at 2:05 on this amendment, that it be on a motion to table that will be made, with no intervening amendment to this, and then we can set this aside and move to something else for the next half hour or so.

The PRESIDING OFFICER. Is there objection to the request?

Mr. NELSON of Florida. Reserving the right to object, I would like to put into the RECORD—and intended to do so earlier—a letter from the Florida citrus industry indicating their support for our amendment. I ask unanimous consent that this letter be printed in the RECORD.

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

FLORIDA CITRUS INDUSTRY,  
May 16, 2002.

Hon. BILL NELSON,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR NELSON: First we want to express the appreciation of the Florida citrus industry for all your work on behalf of the industry with respect to Trade Promotion Authority. The industry knows the time and effort you and your staff have devoted to ensuring additional safeguards are placed in TPA for Florida's citrus industry.

We would like to reiterate our support for the Nelson/Graham amendment with respect to anti-dumping and countervailing duties. We appreciate the efforts you and Senator Graham have made with Senator Baucus and the Administration in pursuing this language, and the counterproposals offered by Senator Baucus and the Administration. However, we believe the alternative presented does not adequately address the underlying concerns by the industry. As you recall in your meetings with the industry over the last several months, the growers are clear in their support for an exemption for

citrus. We understand the Administration and Senate leadership were clear in opposing those attempts and we are appreciative of your willingness to look for creative ways to provide additional steps in TPA to help our industry.

Again, thank you for offering the Nelson/Graham amendment. It is an important issue for our industry and we appreciate your efforts on this matter and look forward to working with you and your staff as negotiations move forward both in Conference and in FTAA.

Sincerely,

BOB CRAWFORD,  
Executive Director,  
Florida Department  
of Citrus.

ANDREW W. LAVIGNC,  
Executive Vice Presi-  
dent/CEO, Florida  
Citrus Mutual.

BARBARA CARLTON,  
Executive Director,  
Peace River Valley  
CGA.

DOUG BOURNIQUE,  
Executive Director, In-  
dian River Citrus  
League.

RON HAMEL,  
Executive Director,  
Gulf Citrus GGA.

RAY ROYCE,  
Executive Director,  
Highlands County  
CGA.

LISA YOUNG RATH,  
Executive Vice Presi-  
dent, Florida Citrus  
Processors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair and thank the Senator from Nevada.

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

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

Mr. BAUCUS. Madam President, we have a long list of amendments ahead of us, many of which are not germane, particularly since the invocation of cloture. Clearly, they are not going to get 60 votes to override the point of order that would apply to them.

In the greater interest of moving this bill, which I think is the desire of a very significant majority of Senators—witness the vote for cloture; 68 Senators voted for cloture—beginning 10 minutes from now, I am going to begin calling up amendments that are on the list which will be declared not germane. I will make a point of order against each of those amendments that it is not germane. If the Chair agrees, we will, therefore, dispose of a lot of amendments accordingly.

I give Senators 10-minute notice to come to the Chamber because if their amendment is yet to be called up and

they have not yet called it up, it will most likely be declared by the Chair as not germane. I am giving them an opportunity to come over and make their case publicly to the Chair for why they think the amendment should be germane. If they are not here within 10 minutes, I am going to, on behalf of Senators who have amendments, call them up and make a point of order.

Mr. REID. Madam President, will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. REID. I say to Senators, this is not something Senator BAUCUS has gone around lobbying, suddenly making these nongermane or raise points of order because of the budget. This is something that has been done by the Parliamentarian.

As the Senator indicated, if it is a germane point of order, it takes a simple majority to override that point of order. As we learned in the past, they are not going to get 51 Senators to override germane points of order. It has created real tangles for the Senate in the past. That is not going to happen.

Those amendments relating to budget matters, if they can get 60 votes, fine. We will have to see how that happens. I hope to facilitate moving this bill. The chairman of the committee, the manager of the bill, is doing the absolutely right thing. It is going to happen at some time. As I indicated, those who are following their amendments know whether it is germane or not germane because the Parliamentarian made that decision a long time ago.

Mr. BAUCUS. In the interest of fairness and notice to Senators who I also hope are fair with respect to the rest of the body—and I know they will be—the amendments I have in mind are amendment No. 3445 offered by Senator BAYH; amendment No. 3447 offered by Senator BYRD; amendment No. 3450 offered by Senator BYRD; amendment No. 3451 offered by Senator BYRD; amendment No. 3452 offered by Senator BYRD; amendment No. 3453 offered by Senator BYRD; amendment No. 3431 offered by Senators BOXER and MURRAY; amendment No. 3432 offered by Senators BOXER, MIKULSKI, and DURBIN; amendment No. 3457 offered by Senator DURBIN, as well as amendment No. 3459 offered by Senator HARKIN.

They have about 6 more minutes. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, will the Senator indicate which amendment he is calling up?

Mr. WELLSTONE. This is the amendment on human rights and democracy which is germane. I am trying to get the amendment offered.

Mr. BAUCUS. Can we get a copy of the amendment?

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3467

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3467.

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

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

The amendment is as follows:

(Purpose: To protect human rights and democracy)

On page 246, between lines 15 and 16, insert the following new paragraph:

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights.

Mr. WELLSTONE. Madam President, I thank my colleagues for their graciousness.

This amendment which I offer to the fast-track portion of the substitute is critical to ensuring fairness in this global trading regime. It will improve the majority of the lives of Americans and our trading partners.

The amendment adds a principled negotiating objective regarding human rights and democracy. It says to our negotiators that they should obtain provisions in trade agreements under which the parties to the agreements strive to protect internationally recognized civil, political, and human rights. These are rights guaranteed under existing international covenants.

This is not a debate about fast track, and again, I believe it is a profound mistake for us to give up our right to amend trade agreements because these trade agreements are going to have such a critical impact on the lives of the people we represent.

This amendment says: The rules of international trade ought to reflect American values. Our country ought to be a leader when it comes to promoting the values of democracy, when it comes to promoting the values of respect for human rights.

What we are saying is: U.S. trade negotiators, during your negotiations, we want you to obtain a provision in the trade agreement which makes it clear that the parties that they must make a commitment to strive to protect internationally recognized civil, political, and human rights.

I say to Senators, in some ways I do not think this amendment should be controversial.

There are some who say we have to be a part of this international economy. I agree. The international economy is a new reality. I agree. We should not put up walls on our border. I agree. Free trade—or I would argue fair trade—could work well for our consumers and make our businesses more competitive.

As we lead in this new international economy, let's lead with our values. We ought to at least say to our trading partners: We call on you to respect human rights and democratic principles. It is an important proposition and, at a minimum, we should demand countries try to do better. That is what this amendment says.

Here are some examples of the behavior of some of our trading partners. From the State Department Country Reports on Human Rights, 2001 for China: Police and other elements of the security apparatus employ torture and other degrading treatment in dealing with some detainees and prisoners. Former detainees and press reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and the list goes on.

Is it too much to ask that our trade agreements have a provision that calls upon our partners to strive to meet the standards of recognized international covenants meant to protect the civil, political and human rights of the citizens of the world?

Another example is Russia. Again, this is from our own State Department Country Reports, 2001. There were credible reports that some law enforcement officials used torture regularly to coerce confessions from suspects and that the Government does not hold most officials accountable. Torture that was recognized in the State Department report takes one of four forms: Beating with fists, batons, or other objects; asphyxiation using gas masks or bags sometimes filled with mace; electric shocks; or suspension by body parts.

Again, all I am saying is, if you have governments that engage in the practice of torture, when we enter into trade agreements with those governments, shouldn't we have as a goal of the agreement that the government will strive to protect internationally recognized civil, political, and human rights? Can't we make it a negotiating objective to get that commitment?

Another example is Colombia. From the Amnesty International Global Report of 2001: The human rights crisis continues to deepen. More than 4,000 people were victims of political



killings, over 300 "disappeared," and an estimated 300,000 people were internally displaced.

The report notes that some of this was the work of the FARC, the radical left guerilla group, but it also reports that some of the mass killings were done by the paramilitary, often linked to the military.

My point is simple. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens, that summarize execute people for exercising their basic right to question the government, that practice forced abortion, and that arbitrarily arrest, detain, and exile their citizens.

I make the point again. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens.

We should include in this fast-track bill a negotiating objective that calls upon our trading partners to strive to live up to international civil, political and human rights standards. We ought to do that. We ought to lead with our values. We ought to say this should be a part of any negotiating strategy.

It is un-American to trade unconditionally with nations that deprive citizens of fundamental rights guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil Rights and Political Rights, such as the right to worship and the right to a fair trial.

If we are going to enter into agreements with countries that deny people the right of worship or the right to a fair trial or that torture their citizens, or that summarize execute people because they question these governments, at the very minimum, we should make it clear, the Senate should make it clear, that we want to have a provision in these trade agreements that at least calls upon these countries to strive to live up to these basic standards.

I also argue it is un-American to trade unconditionally with nations that intimidate their citizens and are so corrupt that public participation is out of the question.

It is important to lead with our values. We ought to be promoting human rights. What makes me most proud to be an American citizen, to be a first-generation American, to be a Senator from Minnesota, is the way our country stands for human rights and for democracy and for freedom. I am saying in mild, moderate language, that our trade negotiators should have a principle negotiating objective, like the ones already in this bill for intellectual property rights and agriculture, that calls upon our partners to strive to live up to international human rights

standards. Why not have the U.S. Government be part of that?

I am not saying don't trade with them. And my amendment doesn't say don't trade with them. I am saying trade in a way that lives up to American standards. Use trade agreement to get commitments out of trading partners to shape up—to respect the rights of their citizens.

In the January/February 2000 edition of Foreign Affairs National Security Advisor Condoleezza Rice said: "There are no guarantees, but in scores of cases from Chile to Spain to Taiwan, the link between democracy and economic liberalization has proven powerful over the long run." In remarks made to the Society of American Business Editors and Writers last April, USTR Zoellick said: "... we have to ensure that trade policies are aligned with our society's values. Free trade is about more than economic efficiency. It promotes freedom abroad." In an address to the Council of the America's earlier this month, he said: "Democracy is more than just holding elections. It is the Liberal idea embodied by the phrase, 'The rule of law, not of men.' It is a neutral, comprehensive framework of rules enforced impartially and justly."

And Monday, when talking about Cuba, the President said:

Political and economic freedoms go hand in hand . . . Without major steps by Cuba to open up its political system and its economic system, trade with Cuba will not help the Cuban people. It's important for Americans to understand, without political reform, without economic reform, trade with Cuba will merely enrich Fidel Castro and his cronies. With real political and economic reform, trade can benefit the Cuban people and allow them to share in the progress of our times.

It seems the administration has the rhetoric linking political and economic progress—especially when it comes to embargoes. But where is the commitment? Where is the commitment to ensure this progress with our trading partners? It is with our trading partners that we can actually make a difference. How can we stand here and debate a bill that doesn't even demand that our trading partners try to do better when it comes to human rights and political freedom? Economic, political, and social progress have always gone hand-in-hand. If public participation in the political process, if transparency in government, if acknowledgment of the fundamental rights of man come second to trade—to economic property rights—it is exploitation. It is the text book definition of exploitation because someone owns those property rights—rights that affect everyone in society—but very few have had a say in their distribution. Today there are negotiators at the table at the WTO negotiating away rights over which the citizens of those respective nations have absolutely no say.

If that is the case, why does this fast track bill make anti-corruption in the trading regime and transparency at the

WTO, principal objectives for U.S. trade negotiators? Why do those advocating this bill think these things are important enough to demand them from countries in the trading arena, but not important enough to demand that these same nations allow such public participation in decisionmaking for their own citizens? Why? I will tell you why—it is because the current trading regime is all about protecting the rights of the investor regardless of the situation of the worker.

When I look at some of the statements made by the administration, in the abstract, there are some I absolutely agree with. We have to promote human rights and democracy. We must insist on it in our foreign relations. But this must be more than rhetoric. We must have a commitment. Including a principle negotiating objective calling upon our trading partners to strive to live up to these standards is a way to show that commitment.

I have been talking about values but I could talk about competitive disadvantages too. A lot of what is going on throughout the world puts our working people at a severe disadvantage. Whether I look at Mexico, Colombia, or many other countries around the world, the situation is the same. People, quite often, if they try to organize and bargain collectively to get a better wage and working conditions, wind up in prison. They end up being tortured.

Who pays the price? The people in the other countries pay the price for it. Our workers pay the price for it. It is hard for working people in our country to compete against a corporation that can go to another country, exploit children, work them 18 hours a day, and not abide by fair labor standards or abide by human rights standards. They can not compete against it and they should not have to. In my opinion, this treatment: persistent violations of human rights, payment of slave wages, exploitation of people at the workplace by making them work under the most uncivilized working conditions, is a trade barrier. I don't think our corporations and our companies and American businesses or American workers should have to compete with this.

Given the floor situation I will make my final two points. This amendment is about values and this amendment is about economics. We should lead with our values. If we are going to enter into trade agreements with other countries, can't we at least have a provision in the trade agreements that calls on them to live up to basic human rights standards? Should we be silent on these questions? Should we be doing business with countries all around the world without at least calling on them to live up to the international covenants respecting basic civil, political, and human rights? I think not.

The United States of America should not be silent when it comes to human rights. We should not be silent when it

comes to persecution against people trying to practice their religion. We should not be silent when it comes to people being rounded up and imprisoned for trying to organize a labor union and having decent working conditions and wages to support their families.

Finally, without at least some language dealing with democracy and human rights, we put American companies and American workers at a severe economic disadvantage. We find it very difficult to compete with companies located in countries whose governments violate basic human rights standards, that allow children to be worked to death, that allows slave wages, that allow uncivilized working conditions, and that crack heads when people try to organize and join a union in order to get a better standard of living. This human rights and democracy amendment strengthens this legislation and I urge my colleagues to support it. Since my colleagues were gracious enough to let me speak, I yield the floor and eagerly await their response.

AMENDMENT NO. 3445 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent amendment No. 3445 that was introduced by Senator BAYH be withdrawn. I have his permission.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I do not want to interfere with other colleagues who might come out and offer amendments. If colleagues are not anxious to speak now, I would like to make another point or two. Senator GRASSLEY indicates that is fine.

I want to read from the International Confederation of Trade Unions Annual Survey of Violations of Trade Union Rights for 2001.

In Mexico:

Independent trade unionists faced difficulties in organizing during the year . . . there are frequent abuses in the country's 4000 or so maquiladoras; 1.3 million workers are paid less than six dollars a day to work in often deplorable conditions and only 40% of them stay more than 3 months in their job; unpaid overtime, sexual harassment, discrimination in employment, non-existent health and safety precautions and unfair dismissals are just a few examples of the daily lot of maquiladora workers.

In Colombia:

In 2000, more trade unionists were killed in Colombia than in the whole world in 1999! One hundred and thirty-five trade unionists, both leaders and members, were assassinated during the year, bringing the total number of trade unionists killed since 1991 to several thousand. At least another 1,600 have received death threats over the last three years, including 180 in 2000. 37 were unfairly arrested and 155 had to flee their home region; another 24 were abducted, 17 disappeared, and 14 were the victims of physical attack.

The 2002 International Labor Organization (ILO) Global Report on Child Labor has estimated that over 8 million children worldwide are trapped in

the unconditional worst forms of child labor—which are internationally defined as slavery, trafficking, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, and pornography, and illicit activities.

Madam President, 180 million children aged 5–17—or 73 percent of all child laborers—are now believed to be engaged in the worst forms of child labor, comprising hazardous work and the unconditional worst forms of child labor. This amounts to one child in every eight in the world. Of the 171 million children engaged in hazardous work, nearly ⅔ are under 15 and should be immediately withdrawn from this work and rehabilitated.

From an April 2002 Human Rights Report titled “Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador’s Banana Plantations”:

In 1994, according to government estimates, approximately 38 percent of all children in Ecuador between the ages of 10 and 17 worked, or roughly 808,000 children approximately ½ of these children were between the ages of 10 and 14; in the rural sector, roughly 59 percent of children between ages 10 and 17 worked, or approximately 568,000 children. In 1998, another government survey indicated that the percentage of children at work between the ages of 10 and 17 in Ecuador had risen to 45 percent. Child workers were exposed to toxic chemicals, handled insecticide-treated plastics, worked under fungicide-spraying airplanes in the fields, and directly applied post-harvest pesticides in packing plants. They described using sharp tools, including knives, short curved blades, and machetes, and lacking potable water and sanitation facilities. One child described his situation when he was 11: “I went under the packing plant roof until the [fumigation] plane left—less than an hour. I became intoxicated. My eyes were red. I was nauseous. I was dizzy. I had a headache. I vomited.”

Of course nations must be held accountable. But where is corporate accountability?

There are numerous reports that Coca Cola is not taking decisive public action to prevent the killing of union members at its plants in Colombia. You can be certain that if a Coca Cola plant in Colombia found a product defect there, it would call out the dogs. Coca Cola personnel would be on the first plane out of Atlanta and in Colombia doing immediate quality control, figuring out where the problem is and finding a solution. I am outraged there isn't the same response when it comes to credible reports of violence against union leaders and activists in its plants. Is a life worth less than a trademark? A recent investigative report into the closing of a Phillips-Van Heusen Corporation factory in Guatemala by the U.S./Labor Education in the Americas Project found that PVH closed the factory and busted the only union with a collective bargaining agreement in Guatemala in order to shift production to poverty-wage sweatshops that are in flagrant violation of Guatemalan labor law, as well as the White-House-initiated Apparel Industry Partnership code of conduct.

I have many examples of absolutely deplorable working conditions, people who are exploited, people who die at work, many of whom are children.

I will say it one more time: U.S. companies cannot compete with this. More importantly, they should not have to. We ought to at least call upon our trading partners to shape up when it comes to basic worker rights. We ought not be undermining our own economy. We ought not be undermining Americans with this trade policy.

I say to my colleague from Iowa, this is a perfect marriage of values and economics. There are a lot of governments in this world, at least 70, that systematically torture their citizens. If we know this is the case, and we are entering into trade agreements with these nations, shouldn't we at least have a provision in the trade agreement that calls upon them to strive to live up to internationally recognized human rights standards? How can anybody be against that proposition?

When it comes to economics, I will say it one more time, one of the reasons there is so much suspicion about these trade agreements, which can be very good, is that often times they are not in the best interest of working people. Workers in Minnesota understand this and workers across the country understand it. They know they cannot compete against workers who make \$6 a day, or \$3 a day, and who work under deplorable working conditions. They cannot compete a country that lacks respect for basic human rights standards, that lacks respect for basic economic conditions, that doesn't allow people to speak up and call for a different policy without ending up in prison and being tortured.

Colleagues, I have a democracy and human rights amendment on the floor. I am calling on the Senate to be its best. I am calling on us to support these values.

I did not say that, as a condition of trade, we should say to these governments that they must live up to these standards though that is my wish. Instead, I am saying, at the very minimum we make it a priority in our trade negotiations and in our trade relations with other countries to at least call upon those countries to strive to meet internationally recognized civil, political and human rights standards. This amendment ask only that countries try. I urge my colleagues to support it.

I yield the floor.

VOICE OF AMENDMENT NO. 3454

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Florida, Mr. NELSON, No. 3454.

The Senator from Montana.

Mr. BAUCUS. I move to table the amendment and ask for the yeas and nays.

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

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

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 123 Leg.]

#### YEAS—60

Allard	Domenici	McConnell
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bennett	Fitzgerald	Murray
Biden	Frist	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Cantwell	Inhofe	Snowe
Carper	Kohl	Specter
Chafee	Kyl	Stevens
Cochran	Landrieu	Thomas
Collins	Lincoln	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

#### NAYS—38

Akaka	Durbin	Lieberman
Bayh	Edwards	Mikulski
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Carnahan	Graham	Reid
Cleland	Harkin	Rockefeller
Clinton	Hollings	Sarbanes
Conrad	Jeffords	Schumer
Corzine	Johnson	Stabenow
Daschle	Kennedy	Torricelli
Dayton	Kerry	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	

#### NOT VOTING—2

Helms	Inouye
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The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

AMENDMENT NO. 3474, AS MODIFIED, TO  
AMENDMENT NO. 3446

The PRESIDING OFFICER. The regular order is the Grassley second-degree amendment to the Brownback first-degree amendment.

The Senator from California.

Mrs. BOXER. Mr. President, if the Senator will yield, I want to do a unanimous consent request. I have an amendment that has been offered and is pending, amendment No. 3431. That amendment is not germane postcloture, but I do have a germane version of the amendment. The amendment deals with making sure that the truckdrivers who will lose their jobs when we start having trucks coming into this country driven by noncitizens through the NAFTA agreement would be eligible for help.

I ask unanimous consent to substitute amendment No. 3511 for amendment No. 3431 and that it be considered in the same order as amendment No. 3431.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am not surprised that my friend would object to this. I will simply make one more unanimous consent request, and then I will yield the floor.

I ask unanimous consent that the pending amendments be set aside temporarily so I might call up amendment No. 3511. This would put my amendment that is germane on the list at the end of the list.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am very sorry that we can't vote on this issue because I believe truckdrivers, who are some of the hardest working people in this country, are going to be thrown out of work. It is very sad.

Fortunately, I have talked to Majority Leader DASCHLE. He has assured me that we will have a vote on or in relation to this particular issue on the next bill that comes up that is not an appropriations bill.

I am very pleased at that. I thank the majority leader and thank my friends.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President. I rise to support the amendment that Senator GRASSLEY has offered to the Brownback amendment.

On the eve of the President's summit with President Putin, I join my colleagues in recognizing the importance of out ties with Russia and the Central Asian republics. These countries have been very reliable allies in our war on terrorism. They have shared intelligence with us, granted overflight and refueling rights, and cooperated in the stationing of U.S. troops. They also have supported our efforts in the United Nations to undermine terrorist organizations.

All of these efforts warrant our recognition and our gratitude. It is my expectation that President Bush will be conveying the sincere appreciation of the American people for Russia's close cooperation with the U.S. in recent months.

I want to draw attention to a key provision in the resolution. It states that the Senate "supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner."

Title IV of the Trade Act refers to the so-called Jackson-Vanik amendment. In order for Russia to have permanent normal trade relations—PNTR—with the U.S. we have to terminate application of Jackson-Vanik. Granting PNTR will be a requirement when Russia joins the WTO, which may still be a year or more away.

I want to be clear about what we mean when we say that PNTR should

be granted "in an appropriate and timely manner." It means that we should extend PNTR when we have a clear picture of the terms on which Russia will join the WTO.

That is the responsible thing to do. That is how we approached PNTR for China. It also is how we approached PNTR for other Jackson Vanik countries, including Albania, Bulgaria, Romania, Mongolia, Georgia, and Kyrgyzstan.

I look forward to the day when we can welcome Russia into the WTO, along with other countries covered by this resolution. At that time, I hope and expect that Congress will give its strongest backing for PNTR.

AMENDMENT NO. 3474, AS FURTHER MODIFIED, TO  
AMENDMENT NO. 3446

Mr. GRASSLEY. Mr. President, I send a further modification of my amendment to the desk. The purpose of the modification is to make some changes to satisfy the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

(Purpose: To express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002)

In lieu of the matter proposed to be inserted inset the following:

#### SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.±

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

Mr. GRASSLEY. Mr. President, on the eve of President Bush's European visit, it is appropriate to point out how attitudes have changed regarding the President's actions with respect to the Anti-Ballistic Missile Treaty. A little more than a year ago there was widespread concern over President Bush's decision to withdraw the United States from the ABM treaty. Recently there has been a general change of mind. It appears that many of Bush's biggest critics incorrectly guessed Russian President Vladimir Putin's reaction. Instead of renewing cold war tensions by increasing nuclear arsenals, the United States and Russia have continued to strengthen their friendship.

I ask unanimous consent to print a copy of an article in today's Washington Post that underscores President Bush's foresight in dealing with Russia and the ABM treaty.

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

#### CRITICISM SOFTENS ON ABM MOVE

(By Dana Milbank)

A year ago, on President Bush's first presidential trip to Europe, allies in Western Europe and congressional Cassandras worried about the administration's plan to abrogate the 1972 Anti-Ballistic Missile Treaty with Russia.

They argued that Bush's plans for a missile defense system, at the same time NATO was expanding to Russia's border, would throw the world into a nuclear arms race. "We need to preserve these strategic balances, of which the ABM Treaty is a pillar," said French President Jacques Chirac. German Chancellor Gerhard Schroeder joined Chirac in issuing a joint statement defending the ABM.

As Bush arrives tonight in Berlin for a seven-day overseas trip, European leaders still oppose the White House's policy on issues ranging from Iraq to global warming. But many concede Bush may have been right about Russia and the ABM.

The United States pulled out of the ABM Treaty, and NATO expansion in the Baltic nations is on track. Instead of an arms race and hostility resulting, Bush and Russian President Vladimir Putin became fast friends. They agreed on an accord reducing nuclear weapons and are pursuing new ways to cooperate in commerce, intelligence and defense.

"We were worried a year ago that Bush's position would create a terrible confrontation," a senior German diplomat said. "Maybe we underestimated Putin's creativeness and farsightedness."

Bush loyalists say the administration had a clearer view than Western Europeans did on Russia. Bush, like Putin, understood the conflict had shifted from one of East against West to a new struggle of wealthy democracies against dictatorial regimes and stateless terrorists. Bush also perceived that Putin wished to be on the side of the wealthy democracies.

"It has been a pattern for 50 years that people yell Chicken Little any time we ask the Russians to do anything," said Kenneth Adelman, who ran the Arms Control and Disarmament Agency in the Reagan administration. "It's all been wrong and predictably wrong."

In the new, "asymmetrical" warfare against rogue states, the Russians are allies, Adelman said. "They'll be with us on these issues probably more than France, and they'll be more important. They fear Islamic radicalism, they fear weapons of mass destruction, and they need Western investment and Western ways and means."

Officially, the Bush administration is not gloating. But Bush aides did compile a list of Chicken Little remarks made by politicians and commentators last year. Its title: "Quotes of Criticism on ABM Withdraw and National Missile Defense."

The list, mostly Democrats, includes Clinton national security adviser Samuel R. "Sandy" Berger saying Bush had put the nation on a "collision course" with Russia and NATO allies.

Senate Majority Leader Thomas A. Daschle (D-S.D.) declared: "I believe it would be a grave mistake for the United States to unilaterally abrogate the ABM treaty in order to deploy a robust national defense system. Unilateral actions will trigger reactions all around the world. Those reactions themselves could make our nation less secure."

House Minority Leader Richard A. Gephardt (D-Mo.) vowed to block any missile defense system that violated the ABM Treaty. "Europeans are worried," Gephardt said, saying the administration may "prevent us from seizing a historic opportunity for engagement with Russia."

And former president Jimmy Carter said Bush's missile defense plan, which required abrogating the ABM Treaty, was "technologically ridiculous" and would "re-escalate the nuclear arms race."

One Republican made the compilation. Sen. John W. Warner (Va.) said Bush should leave "some vestiges of the ABM Treaty in place" to assure allies.

Included in the collection of quotes was a press release quoting Washington arms control expert Daryl G. Kimball predicting Bush's missile defense idea and ABM position would "set off a dangerous action/reaction cycle, involving the United States, Russia, and China."

Gephardt spokesman Erik Smith, asked about his boss's old remarks, acknowledged that "the White House has made progress" with Russia. But he said Bush has yet to make progress with Russia on nuclear proliferation, Iraq and dismantling nuclear weapons. "There were several other points . . . that have not been addressed," Smith said.

Kimball was unrepentant about his earlier words. "I stand behind the quote," he said. "The potential for a dangerous action/reaction cycle remains, especially because the Bush administration has failed to lock in verifiable reductions of Russia's nuclear forces."

Bush aids dismiss such concerns.

"What keeps Russia and the United States from going to war today is not the number of nuclear weapons that they have on either side or the Anti-Ballistic Missile Treaty or some outdated notion of strategic stability," national security adviser Condoleezza Rice said. "It's that they have nothing to go to war about."

Mr. GRASSLEY. I move adoption of the amendment.

Mr. REID. Mr. President, I say to my friend, we are still waiting to hear

from one Senator. We should be able to do that momentarily, if he will withhold.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak briefly on the matter in front of the body, the Grassley substitute amendment on granting Russia and central Asian countries permanent normal trade relations. I am glad we have taken up the resolution itself, the sense of the Senate. It is a positive statement. We should take up PNTR. Otherwise, as I stated last night, I recognize that the votes are not here today to deal with that issue for Russia or some of the central Asian countries, but I want to take this opportunity to address the body on this particular point because we really need to recognize what has taken place and move with some speed in the near future to address this topic because of what is taking place in the world.

I realize we are a body that takes time, and it takes some time and effort to move some of these issues. But look at what has taken place. The President of the United States is going to Russia this week. Last week Russia announced a two-thirds reduction in nuclear missile capacity, an enormous agreement. Last week Russia joined closer and closer to NATO, the very organization that previously had been structured to defend against the Soviet Union. Now the successor organization of Russia is joining closer to NATO.

Jackson-Vanik, that is what PNTR is addressed toward—permanent normal trade relations is not granted until a Jackson-Vanik waiver is granted. Jackson-Vanik addresses the issue of whether you allow free immigration of religious minorities, particularly Jews, out of the former Soviet Union. That is what the particular bill was directed toward. That is taking place. There is no question but that is taking place in Russia. As we look to the future and as we seek to reduce dependence on Middle-eastern oil, Russia and central Asia are going to figure larger and larger into the picture, along with their own domestic production.

I make the point as well that we have granted China PNTR after a long, extended debate about that. Yes, we have granted China permanent normal trade relations. If we look at their human rights record versus that taking place in Russia—you have a number of abuses, a number of people not being allowed to leave China—that is occurring in Russia. But the different standard we are putting forward here is striking.

Even today, there are a number of North Koreans who have gone to China from North Korea, who don't want to go back to North Korea. Yet they are being forced to, by bounties given by the Chinese, to round them up and send them back to North Korea. That is not human rights and religious freedom in China. Yet we have granted permanent normal trade relations with them. I

voted for it. I thought we should because the overall issue is about us engaging these places in the world, engaging China.

Now, clearly, we should be engaging Russia. The President has developed a strong relationship with President Putin. President Putin is leaning forward a long way with his country in engaging the West in a remarkable fashion—a fashion that I think anybody here would have to say is nothing short of miraculous, about how far forward he is taking his country in a short period of time in working with the West. These are breathtaking results, really.

The notion that we would hold up and be slow about an issue of permanent normal trade relations when we granted it to China, which has missiles pointed this way, has human rights abuses, and is selling weapons technology to rogue regimes around the world—it is striking that it would be different.

As far as central Asia—and that is what else was in the base bill. In Uzbekistan, we have troops. In Kazakhstan, we have troops. In Azerbaijan, we have landing rights. In Armenia, Armenian Americans are seeking development. What we are talking about with PNTR is the ability of having normal trade relations with this country so they might grow with us.

Realizing the votes are not here today to grant PNTR to these countries, I think it is time we pick up the pace on doing this because of the speed of events taking place, and it is so important that we engage these areas. Hopefully, in the near future, we will reduce our dependence on oil in the Middle East and have more coming from U.S. domestic sources and countries such as Kazakhstan and Russia. There will be a closer economic tie that should be basic in the relationship.

We need to send a strong message of support from the United States to the Russian Duma and President Putin that we deeply appreciate and agree with the actions he has taken on behalf of Russia last week. He did incredible things last week. We are doing a sense of the Senate. It is a positive statement. We should do that. It is a right sort of statement for us to make to Russia. It pales in comparison to what the Russians have done themselves. All we are asking is that we put forward basically a normal trade relationship between the United States and Russia—a country that seeks to grow much closer to the United States. We should encourage that with a great deal of respect and effort on our part.

So I rise in support of the Grassley substitute for Russia and central Asia. The central Asian and south Caucasus nations are a part of this. We should be granting PNTR and engaging as they are with us. They are frontline for us in the war on terrorism. They were in the Afghan conflict when our men were based out of Uzbekistan to go into Af-

ghanistan. Without them, we would have a great deal of difficulty. This is a modest proposal for us to move forward. I support the Grassley substitute. I hope we can be more forward-leaning ourselves in engaging central Asia and Russia in this overall effort. I support the Grassley amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3467

Mr. WELLSTONE. Mr. President, I am going to try to make the most efficient use of time. When colleagues are ready to do some other work, I will certainly be pleased to yield the floor. There is no surprise here. I say to Senator GRASSLEY, as I said to the Senator from Montana, I am going to speak for a few minutes. When we are ready to get back to business, I will be pleased to yield the floor. This is no 5-hour speech that I have planned right now.

Mr. President, I want to one more time discuss the human rights and democracy amendment. For the life of me, I actually do not understand the basis of opposition.

In the legislation before us, there is a listing of objectives. Believe me, one of the objectives is to do everything we can to protect property rights, to do everything we can to make sure patents are protected—you name it—intellectual property is protected. Fine.

What this amendment says is one of the listed goals of trade policy ought to be the promotion of human rights and democracy. It should be one of our goals. We should list this as a goal of trade policy and then call upon our trading partners to strive to meet these standards.

I want to say in not the hardest hitting way but in a little softer way at first that this is the greatness of our country. We should lead with our values. We should be promoting human rights in the world.

I gave examples of any number of different countries right out of our own State Department report where governments systematically torture citizens, where people who dare to speak up and challenge a government are imprisoned, where people who dare to organize a union to make better wages and support their families wind up in prison. There are at least 70 governments in the world that systematically still use torture against their citizens.

I am saying that I think it would make us a better Senate and would make each Senator a better Senator if we would say one of our goals—that is all this says—should be the promotion

of democracy and human rights and that we should at least call upon our trading partners to strive to meet internationally recognized civil, political, and human rights.

I do not understand the opposition. I know we are now in a situation where cloture has been invoked—this is a germane amendment—where we have a limited amount of time. That is why I came to the Chamber now. Other Senators have amendments, and I do not want to crowd out their amendments, but I certainly would like the opposition at some time before a vote to explain the basis of a “no” vote.

I believe as a first-generation American Senator from a human rights State, Minnesota, which has always been at the forefront in promoting human rights and has always been at the forefront in promoting democracy—and, by the way, many refugees who have fled persecution have come to Minnesota—I do not understand why the Senate would not go on record with a 100-to-0 vote that one of the goals of our trade policy should be the promotion of human rights and democracy and that we would call upon our trading partners to strive to meet those goals.

Haven't we read about enough reports dealing with deplorable child labor conditions? How many more children need to die? How many more brave men and women need to be tortured? How many working people in these other countries need to wind up in prison? How many workers need to die at an early age because of the carcinogenic substances they work with because there is no protection, and if they dare to speak out, they wind up in prison?

How many more men and women in our country are going to have to lose their jobs because we have no trade agreements that call upon governments to live up to these standards?

This is a values vote, and it is a working family vote. It is a values vote because we should lead with our values, and we should at least vote to make this a goal of our trade policy.

My colleagues know me. This is my pragmatic best. This is the most pragmatic language I can come up with: That we should list human rights and democracy as a goal and call upon our trading partners to strive to meet that goal.

Now, to be more serious, we should lead with our values. This is what I love about our country: Promoting human rights. I am in awe of the men and women I have met in my life. I do not know how they do it. You live in some of these countries, and you dare to speak up when you know it is not just that you might be rounded up and tortured—here is what is worse, Mr. President, here is how these governments silence citizens: They threaten that they will round up your children or your wife, your husband, your loved ones, and they will be tortured or they will be raped or they will be murdered.

I am saying today in this Chamber that we ought to at least vote to make a goal of our trade policy respect for human rights and democracy.

My second point is a working family point. I am positive that the families I represent with this vote are not lobbying furiously because they are not usually the ones with that much clout. The vast majority of people in our country and the vast majority of people in Minnesota are absolutely for good trade policy, but I think people would like some reassurance that we would strive in our trade agreements with other countries to establish some goals where they do not get put out of work because they are competing with a 13-year-old who has to work 19 hours a day at 30 cents an hour. It is not good for that 13-year-old, and it is not good for workers in our country.

I see colleagues in the Chamber. I will not belabor the point, but I will come back to this again. Frankly, I think opposition to this amendment, unfortunately, tells a larger story about what is profoundly wrong with this legislation. Legislation that does not establish that goal and is afraid to speak out on promoting the goal of human rights and democracy in the world is legislation that does not deserve support. I hope there will be support for this amendment.

I yield the floor.

#### ORDER FOR RECESS

The PRESIDING OFFICER. The acting majority leader.

Mr. REID. Mr. President, I ask unanimous consent that between 4:30 p.m. and 5:30 p.m. today, the Senate stand in recess and that the hour away from the Senate will be counted against the 30 hours postcloture. The reason for this is that Secretary Rumsfeld is here for a secret briefing and all Senators should go to it.

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

#### AMENDMENT NO. 3474, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge adoption of the Grassley second-degree amendment to the Brownback amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 3474, as further modified.

The amendment (No. 3474), as further modified, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3446

The PRESIDING OFFICER. Is there further debate on the first-degree amendment, as amended?

If not, the question is on agreeing to amendment No. 3446, as amended.

The amendment (No. 3446), as amended, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, I have spoken to the managers of the bill. What we would like to do now is move off the Dorgan amendment No. 3442. Senator DORGAN is going to be here momentarily to deal with that amendment. We would like to move off that and move to amendment No. 3443, the amendment of Senator REED.

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

#### AMENDMENT NO. 3443

Mr. REID. It is my understanding now that we are on this amendment, the Senator from Rhode Island wants to ask unanimous consent for something. After having done that, we will deal with his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I have an amendment that is now pending that, prior to the cloture vote, would have been in order for consideration, but after cloture, at this point I ask unanimous consent I be allowed to substitute another amendment which is in order for consideration if accepted by the body.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, I appreciate the point that has just been made. My amendment, if I was allowed to proceed, would have dealt with the issue of secondary workers, providing them the same types of protections which are available to workers in facilities that are directly affected by trade actions. This is an amendment that is cosponsored by Senator BINGAMAN, the Presiding Officer, Senator CORZINE, and others. It comes directly from the original legislation that Senator BINGAMAN submitted, S. 1209, which recognizes that the effects of trade are not discretely limited to individual companies but also affect those vendors, suppliers, and workers who support that company. I think that is a principle that is beyond debate.

When a factory closes, it is not just the factory workers, it is the truckers, it is the tradesmen who work in that facility who very often see their livelihoods completely exhausted by the effects of trade.

As a result, this legislation was originally proposed by Senator BINGAMAN. It was part of the proposal Senator DASCHLE made. It was part of the discussions. Unfortunately, regrettably, and I think unfairly, it was deleted from the provision which is in the underlying bill.

As a result, I would have offered either the substitute amendment or, indeed, would offer the amendment now which would have included the effects of the trade adjustment benefits for those secondary workers. Again, I think it makes quite a bit of sense.

Our definition of a secondary worker is someone who must have supplied a service or contract to the firm that has been certified as going out of business due to the direct effect of international trade. Perhaps the most compelling examples are those individual teamsters who service businesses that might, in fact, go out of business because of trade. They, too, lose their livelihood.

I know my colleague, Senator BOXER of California, has offered an amendment that deals directly with the issue of truckers and teamsters. My amendment would apply to any worker who could validly make the claim of being, as I said, by contract or some relationship, related to a factory that is being closed down.

The point I should also make is this provision would only give the workers or their representatives the opportunity to apply for these benefits because they have to be certified. It has to be shown that they have lost their job because of the effects of trade. The certification process, as we all know, is a rather difficult one. It is not presumed. It has to be proven. In this context, we are not opening up the floodgates. We are merely giving people who have lost their livelihood because of trade a fair chance.

The most compelling point I urge in this whole area is we did precisely this under the NAFTA agreement. We provided for TAA benefits for workers, secondary workers, who were affected by the NAFTA agreement.

So I urge very strongly that we overlook any of the procedural impediments and go to the heart of this matter. Give secondary workers the same rights as those factory workers who might lose their jobs because of the adverse effect of trade.

We can do that by accepting the Reed-Bingaman-Corzine amendment. We can do that as we did in NAFTA and give all workers who have lost their jobs because of trade the benefits of the TAA assistance that has been provided on a limited basis in the underlying agreement.

I urge my colleagues to support this effort.

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

The PRESIDING OFFICER. The Senator from Nevada.

#### AMENDMENT NO. 3442

Mr. REID. I ask we return to the regular order, which I understand is the Dorgan amendment.



The PRESIDING OFFICER. The Senator has that right. The regular order is amendment No. 3442.

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

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

Mr. DORGAN. Mr. President, the pending business is amendment No. 3442; am I correct?

The PRESIDING OFFICER. The Senator is correct.

#### AMENDMENT NO. 3442 WITHDRAWN

Mr. DORGAN. Mr. President, I offered this amendment prior to the cloture vote. I understand a point of order would lie against it postcloture because it is not germane postcloture. I will withdraw it because I do not think at this point the amendment would survive the vote because it is not germane. But I am, frankly, surprised. The first amendment I offered prevailed here in the Senate on a rather significant vote.

This amendment is an interesting amendment. It is very simple. Those who come to the floor of the Senate and talk about trade normally turn the volume up a bit and talk about how this country needs to be able to compete, that we need to be able to do so around the world.

Let me talk about competition for a second and what this amendment is about.

We had an investigation with respect to Canadian wheat. It has flooded into this country unfairly. It has done so for years following the United States-Canada Free Trade Agreement. In fact, that flood, that avalanche of Canadian grain, was in contravention to an agreement that Mr. Yeutter put in writing to the Congress saying: This won't happen. The representation of good faith on both sides of the border post-United States-Canada Free Trade Agreement means we will not have a significant change in the flow of grain across our border. He put that in writing to the Congress.

Guess what happened. That trade agreement was approved—not with my vote. I voted against it. But instantly we had an avalanche of unfairly traded grain coming into this country. Did anyone lift a finger to do anything about it? We have had all of this discussion about helping the American farmer, but no one was willing to lift a finger to do anything.

The farmers had to put their own money together in a 301 investigation that went through the ITC and the U.S. Trade Representative. The U.S. Trade Representative and the ITC concluded that Canada is guilty of unfair trade. It hurt our farmers. So the judgment was guilty.

What is the remedy? The remedy is we are going to say you had better

watch it. We are not going to do anything about it. There is no trade remedy, no sanction, and no tariff quota—no nothing.

Here we are. The farmers spent their money in a section 301 action. They won. Canada is guilty of unfair trade and is taking money right out of family farmers' pockets. And we have people prancing around the floor of the Senate talking about we ought to be able to compete anywhere in the world as long as the competition is fair. It is not fair. It has been judged to be unfair. Yet we can't get a trade remedy.

Why is the ambassador unwilling to stand up for family farmers? The trade ambassador stood up for steel. He stood up for lumber. Why is he unwilling to stand up for family farmers and propose a remedy—for example, a tariff quota? Why? Does anyone have an answer to that? I don't think so.

So I offered the softest possible amendment. I offered that precloture. The amendment I understand now postcloture will fall on a point of order. So I shall withdraw it.

But the amendment is very simple. Anyone who says they stand for family farmers ought to support this amendment. It simply says we want the trade ambassador to report back to the Congress within 6 months, telling us what his remedy is going to be for the judgment that has already been rendered that Canada is guilty of unfair trade, yes, unfair trade, and shipping an avalanche of unfairly subsidized Canadian grain into our market at secret prices by a state-sanctioned Canadian Wheat Board which is a monopoly that would be illegal in our country, and also underpricing us in other markets, particularly northern Africa and other places where we have been injured in international trade in other markets.

My amendment simply says the ambassador shall report back to the Congress within 6 months the specific proposed trade remedy that will be administered on behalf of the American farmers who have already been able to achieve through their own filing of a 301 case and through the use of their own money to bring a case and get a guilty verdict against the Canadians.

One is going to ask—and farmers certainly should ask—of what value is it to have a trade remedy if at the end of the day it is judged that farmers are victims of unfair trade and our trade authority? Our legislators say, by the way, the perpetrators of this unfair trade shall not have to bear any responsibility or any burden or be on the receiving end of financial sanctions.

I just do not understand it. I do understand what is going on with respect to the fast-track trade agreement, which I don't support. The effort here is to try to tighten it up, like putting a big tarp on a big truck. You tighten the rubber bands around it, hook it altogether, don't let any wind in, and drive it through as fast as you can.

That is what this is all about. It is good for those who do it.

After this particular legislation is enacted, they will see another increase in America's trade deficit. In every single circumstance in the last 15 years when we bragged about forcing open foreign markets, and when we passed fast-track trade authority and negotiated another trade agreement, our trade deficit increased, yes, with Europe, with Mexico, with Canada, with Japan, and with China. In every single circumstance, that trade deficit is on a relentless path upward. Everybody knows it.

Therefore, while everyone is sitting around saying let us ignore this huge, growing tumor called this trade deficit, over \$1 billion a day, every single day, 7 days a week represents the trade deficit. Over \$1 billion every day is the amount of goods we bring into this country which exceeds the amount of goods we ship out. Somebody is going to have to pay for that.

I used to teach economics in college. I have told my colleagues many times. But I have been able to overcome that experience and do other things in life as well. But what we taught in college in the field of economics was that you could explain a budget deficit by a deficit that you owe to yourself. That is a plausible explanation. Under the U.S. fiscal policy, a budget deficit is money we owe to ourselves. You cannot make a similar explanation with respect to the trade deficit. The trade deficit is money we owe to others. It will be someday, in some way, paid for by a lower standard of living in the United States. That is inevitable and is not debatable.

The question is: When are we going to care about the trade deficit? When does an American trade deficit of \$440 billion-plus begin to matter to our country and to our economy, and, yes, to the children who will inherit that and will have to pay others around the world to settle that trade deficit? Part and parcel of that trade deficit are the trade circumstances in which our producers and our workers are victimized.

One instance of that is America's farmers who produce this grain and lifestyle and find themselves victimized by unfair trade. It is admonished by politicians of virtually every stripe that it is important for them to go forward and to compete: You must compete. You must be competitive. We can be competitive anywhere in the world. I am convinced of that. But you can't do it with one hand tied behind your back. You can't do it with rules that aren't fair, especially with respect to grain.

The judgment is already in. The ITC and the U.S. Trade Representative have already said our farmers are victims of unfair trade. It is just that the remedy is nonexistent.

Unfortunately, I am not able, apparently, to put on this piece of legislation a very simple amendment that would ask the Trade Representative within 6 months to report back a remedy by which people stand up for and

support those who are victims of unfair trade with Canada; that is, family farmers and family ranchers across this country.

I regret that. But then there will be other days and other ways to address this issue. This is the place to have addressed it. This is a trade bill. This is the place, and this is the time to have addressed this issue on behalf of family farmers.

I regret that we could not get the 60 votes necessary to overcome the point of order postcloture to stand up for family farmers on this matter. As a result, I will ask consent to withdraw the amendment, and I make such a request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3474, AS FURTHER MODIFIED

Mr. BIDEN. Mr. President, we just adopted, I understand by UC, a sense-of-the-Senate resolution that relates to Jackson-Vanik. With the permission of my colleagues, I would like to speak to that for just a few minutes.

The sense-of-the-Senate resolution proposed by Senator GRASSLEY reinforces a commitment that I support, which is to extend all efforts to expand our relationship with Russia.

Russia has taken very significant steps toward working with NATO, cooperating with us against terrorism in central Asia and the north Caucasus, providing a stable world oil market, and opening up its domestic markets.

But we have to keep in mind that while Russia, under President Putin, is moving toward greater acceptance of the rule of law, free trade, and a market economy, it is not there yet.

It hopes to join the World Trade Organization, it is seeking foreign investment, and it is working to revise its legal and business structures toward those ends. But it still falls by the wayside on significant points.

Most visibly, on March 1 of this year, Russia imposed an unexpected and arbitrary embargo on imports of U.S. chicken parts, causing serious grief and economic loss to an industry.

Now, chickens and chicken parts are a multibillion-dollar industry, bigger than most of the industries in most of your States. And it is a big deal in my State.

While I appreciate the worldwide problems of finding common health standards, the timing, as well as the arbitrary and sudden imposition of Russia's ban, indicates that political and financial reasons, not the claimed health reasons, were the cause. They came up with a specious argument.

After some intense negotiations and the President basically telling the Russians, "Hey, look, if you want to play in the world of international trade, you have to play by the rules. You have to be fair"—they went ahead and "lifted" the embargo, which was specious from the outset. When they lifted the embargo, though, they lifted it only in principle. The Russian bureaucracy, with or without the approval of the central authorities, continues to delay and limit imports of chicken parts.

Let me explain what I mean. You have to have an importer in Russia to accept the chickens when they get there. They changed the law, and said no more embargo, but—guess what—all importers have to get new licenses. Now we cannot ship from Delaware, Allen Chickens or Perdue Chickens or Tyson Chickens, any chicken parts to Russia unless we are sending them to someone who is going to accept them.

You have to have an importer's license. Guess what. If you lift an embargo, but if you limit or do not give a license to somebody with whom I can deal, then I am still out of the market.

Now, Russian officials and Russian parliamentarians and members of the Russian Senate are very frank with me in my meetings. They have said that the reason this is the way it is, is pure bribery—pure, unadulterated bribery and that the oligarchs have a piece of the action.

There are only a couple of chicken outfits in Russia. I am serious, I am not joking about this. As long as imported chicken parts do not come in, the price of chicken goes up. The oligarchs, who own and purchase those chickens, those chicken dealers—what happens? make money. As long as they can keep this dragging on, they are making money.

So, in my view, it is possible that this isn't something that is being coordinated at the highest levels. But the bottom line is that responsible governments have to react.

Last year, Russia imported \$630 million worth of chickens from the United States—8 percent of all U.S. poultry exports. Russian suppliers have not been able to fill that gap, and as a result, many Russian consumers, mostly pensioners who cannot afford the higher prices for Russian chicken, are suffering. Right now, other countries are moving in to take over this lucrative market from our own U.S. suppliers. This move is a direct contradiction to Russia's professed desire to join the world community of fair trade practices and a slap at our efforts to work with Russia in gaining accession into WTO.

As everyone in this Chamber knows, I am a strong supporter of good relations with Russia and its President, the first leader since Peter the Great to look as far west as he has.

I support and commend every effort the administration is making to support good working relations with Russia, including the discussion that will start in Moscow tomorrow.

I met with Condoleezza Rice before they left for an extended period of time to discuss this. I am chairman of the Foreign Relations Committee. I have been one of the guys criticized on this floor for being too supportive of Russia. But before I can support taking steps, of any form, to lift trade limits on Russia, I want to make sure they have their act in order, and make sure Russia's commitment to fair and open trade and the rule of law is in the works.

Now, look, let me make something clear to you: You put a ban on American chicken. You then lift the ban. You then make it difficult or impossible to get a license to move in, but you give other people licenses to move in. We lose the market.

This is not like the drug companies in the State of my friend from New Jersey, or the drug companies in my State of Delaware. If they put a ban on our stuff, we have patents, so they can't get it from anywhere else. We don't lose the market. We lose the profit margin. We lose the market temporarily, but we don't lose it permanently.

This is a big deal. This is a multibillion-dollar deal, over time, to us. So I want to let everybody know, I can either be Russia's best friend or worst enemy. And if they keep fooling around like this, they are going to have me as their worst enemy.

This resolution expresses a sense of the Senate that supports terminating the application of Jackson-Vanik to Russia in an "appropriate and timely manner." I am the guy who has been pushing that for a year—when the Russians are acting appropriately.

But I tell you what. In my view, it will only be appropriate to act on such legislation when it is clear that Russia is living up to its bilateral trade agreements and arrangements with the United States. I am not talking about trade disputes. I am not talking about legitimate trade disputes. I want them not only to live up to the letter of the law, but to the spirit of the law. Only then, only when we can be sure Russia is committed to adhering to commitments already made, should we graduate Russia from Jackson-Vanik, which in principle, I think we should.

I am convinced we will be able to do that because I am convinced that President Putin has gotten the message. And I was told personally that the President of the United States of America is going to raise this issue. Tomorrow it begins. He is going to raise this issue personally with the President of Russia.

So I will be happy, at the appropriate time, to be one of those who moves for Russia's graduation out of Jackson-Vanik. But I am not going to do that, as one Senator—and I think the chairman of the Finance Committee—unless the Russians begin to act appropriately.

I thank my colleagues for their indulgence, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, the managers are trying to work out a number of things on this most important issue of postclosure. During the next hour we will work on that.

#### RECESS

Mr. REID. I ask unanimous consent the recess previously scheduled begin right now.

There being no objection, the Senate, at 4:24 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

The PRESIDING OFFICER. The majority leader is recognized.

#### UNANIMOUS CONSENT REQUEST— S. 2538

Mr. DASCHLE. Mr. President, Senator KENNEDY and I are going to be involved in a colloquy for a couple of minutes as we await another amendment. It pertains to the minimum wage. I will have a unanimous consent request that I will propound in a moment.

As we are debating new trade practices, we must not forget important protections for America's workers. Many of these protections are addressed through the Trade Adjustment Assistance Act, but for the last 60 years there has been another important protection for workers, and that is the minimum wage.

It has now been over 6 years since Congress voted to increase the minimum wage. In that time, the cost of living has increased 12 percent while the real value of the minimum wage has steadily declined. In fact, by 2003, all of the gain achieved through the last increase will have been wiped out.

Today, minimum wage employees working 40 hours a week 52 weeks a year earn only \$10,700—more than \$4,000 below the poverty line for a family of three.

In the last 6 years, the purchasing power of the minimum wage has deteriorated to near record low levels. Teacher's aides and health care workers are among the hard-working Americans who are unable to make ends meet on a \$5.15 per hour wage.

In fact, the current minimum wage does not provide enough income to allow full-time workers to afford adequate housing in any area of the country. In my State of South Dakota, the minimum wage is hardly enough for a family to make ends meet.

According to the National Low-Income Housing Coalition, a minimum wage earner can afford a monthly rent

of no more than \$268. In South Dakota, a worker earning the minimum wage must work 79 hours a week in order to afford a typical two-bedroom apartment. In fact, estimates show that for a worker to be able to afford a two-bedroom apartment in South Dakota, they would have to earn \$10.12—nearly 200 percent of the present minimum wage.

That is why we need to pass Senator KENNEDY's new minimum wage legislation. It would provide a \$1.50 increase over the next 2 years. This is the least we can do, and it is long overdue.

By increasing the minimum wage by \$1.50, working families will receive an additional \$3,000 per year in income. While this increase would not be enough to lift the family of three above the poverty line, it would provide the resources to buy over 15 months of groceries, 8 months of rent, 7 months of utilities, or tuition at a two-year community college. The reality is that American workers are working harder and harder for less and less.

It is time for Congress to address the needs of America's working families. It is time to act and raise the minimum wage.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be kind enough to yield for a few questions.

Mr. DASCHLE. Mr. President, I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, now we are dealing with the trade bill which will provide benefits, obviously, to many corporations. We also ought to think of the workers, especially those workers at the bottom rung of the economic ladder.

I listened with interest to the Senator from South Dakota. As the Senator pointed out, if we fail to increase the minimum wage, which has not been increased in 6 years, the purchasing power of the minimum wage will near an all-time low.

All we are trying to do is bring it up a little bit, which would be generally below what the average has been over recent years.

Is the Senator aware that if we fail to act with an increase in the minimum wage, it will be virtually at an all-time low if we don't act this year?

Mr. DASCHLE. It is not as well known as I wish it were. But how ironic it would be if in the same Congress that passed tax breaks for those at the very top—tax breaks worth \$50,000 a year to those in the top 1 percent—we could not do something to address the needs of those at the lowest end of the income scale.

I certainly appreciate the graphic depiction of the trend of the minimum wage which the Senator from Massachusetts has outlined. That is the whole idea behind this legislation.

Mr. KENNEDY. I would like to ask the Senator a further question. Does the Senator not agree with me that for years this body—Republicans and Democrats—thought that people who

worked 40 hours a week, 52 weeks of the year should not have to live in poverty in the United States? Does the Senator understand now that the minimum wage is well below the poverty line for working families?

Some will say we have an earned-income tax credit. But still the fact is for a single mom, or even for families of three, they are still well below the poverty line.

Does the Senator not agree with me, as I believe most Democrats do, that work ought to pay and that those individuals who work 52 weeks of the year, 40 hours a week should at least be at a poverty line, not a living wage even, but a poverty line?

Mr. DASCHLE. Mr. President, the answer to that would be emphatically yes, especially given the stated desire of Members of Congress who have passed welfare reform. The whole idea behind welfare reform was to make work pay, to make work more palatable than welfare. But it is hard for me to understand how a head of household can see how work pays when they are working for the minimum wage, 52 weeks a year, 40 hours a week and earning only \$10,700 a year.

That is why we have people in South Dakota—and I am sure in Massachusetts—working two and three jobs. That is why we are concerned about the pressures on families these days. It is hard to raise children, and it is hard to address all of the other familial responsibilities if you are working two and three jobs a week in an effort to rise above that poverty line that the Senator's chart illustrates.

Mr. KENNEDY. Of course, I believe the increase in the minimum wage is a women's issue because the majority of those earning the minimum wage are women. It is a children's issue because so many of those women have children. It is a civil rights issue because great numbers of those who receive the minimum wage are men and women of color, and it is a fairness issue.

In looking over the historic increases that have been enacted by the Congress since 1956, the proposal is an increase of \$1.50—60 cents the first year, 50 cents the next year, and 40 cents. This represents in the bar chart what the percentage increase would be going back to 1956. It will be actually one of the lowest over the period of the next 3 years.

When the Senator propounds his unanimous consent request, we will probably hear those who will say this is new legislation when we talk about an increase in the minimum wage. We haven't had a chance to study it. This is something that sort of takes us by surprise.

Will the Senator not agree with me that this issue is as old as the 1930s, effectively, when we first enacted the minimum wage, and that this proposal of \$1.50 over 3 years is actually a very modest proposal indeed?

Mr. DASCHLE. The Senator is absolutely right. Not only is it modest but it is overdue.

As I noted in my opening comments, it has been 6 years since we passed an increase in the minimum wage. During that time, as the Senator's chart illustrates, the minimum wage has dramatically declined. The number of hours people have to work goes up and the real value of the money they receive goes down.

More and more people are faced with the prospect of taking two and three jobs in order to climb above that poverty line, at the very time, ironically, when we say that we want work to pay to ensure that they do not go back to welfare.

So I compliment the Senator from Massachusetts for his leadership in this effort and, again, reiterate that the moderate increase that he is proposing is one that is in keeping with past precedent here in the Congress; and it certainly recognizes the need to do something this year.

Mr. KENNEDY. If the majority leader will yield, I thank the leader for the excellent presentations he made this evening on this issue, as well as the excellent speech he made earlier today.

He mentioned that \$3,000 may not mean a lot to Members of Congress who have had four pay increases since the last increase in the minimum wage, but for a minimum wage worker it means 15 months of groceries, 8 months of rent, 7 months of utilities, or full tuition for a community college.

This is, as the majority leader pointed out, a family issue. It represents, to those children, the value of work. And it is a fairness issue.

I thank the majority leader. I hope there will not be objection to the proposal he is about to make.

Mr. DASCHLE. Mr. President, I ask, therefore, unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2538, the minimum wage increase bill; that the Senate proceed to its consideration no later than the close of business, June 24; and that it be considered under the following time limitation: That there be one amendment for each leader, or their designee, dealing with minimum wage/taxes; that no other amendments or motions be in order, except possible motions to waive the Budget Act; and that no points of order be waived by this agreement; that upon the disposition of these amendments, the bill be read a third time, and the Senate vote on final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, we are here debating the trade bill that is all about trying to raise wages. It is interesting, in looking at Senator KENNEDY's charts, that in the period where the minimum wage was not raised, the number of children living in

poverty declined by 20 percent in America.

How did that happen? The Government did not raise the minimum wage. Yet we had, in a decade, a precipitous decline in the number of children and people living in poverty.

How is it possible for people to escape poverty without the minimum wage being increased? It is possible because of economic growth. There are many people in this Chamber who have worked at the minimum wage—but they didn't work at it long. A minimum wage job is a steppingstone toward economic progress and success in America.

The plain truth is, we are debating a bill that is more important to working people making low incomes than any minimum wage law that has ever been adopted by any legislative body in history. This bill is about trade, which creates jobs. The average job generated through trade pays wages that are almost 20 percent higher than wages in the other jobs in the American economy.

In dealing with this pro-high-wage bill, we are asked to consider a measure we have never seen; that is not on the calendar; that, as far as I know, has never been introduced; that is not relevant or germane to this debate.

So I have to say, it is hard for me to take this request seriously, though I would say to Senator KENNEDY that we would love to stay and hear him speak on this at length. If he would like to have time set aside from this debate to talk about minimum wage, it is a subject where certainly we have people who are interested in it, who could always be enlightened, who would enjoy hearing Senator KENNEDY talk about it. I would like to do something about wages by passing this trade bill because I think it will do more for people making low incomes than any wage law we could pass.

Let me also say, I have never understood minimum wage laws. If they really work, if we could just pass a law and make wages what we want them to be, why not make wages \$1 million an hour? Then people who need many millions of dollars could work all week and be very rich, and people who need only one million dollars could work 1 hour and be rich.

But there is a problem. And the problem is something you learned in the third grade: anything times zero is zero. The cruel hoax of minimum wage laws is, by setting artificially high wages, it prevents people from getting their foot on the first rung of the economic ladder. It prevents them from getting into the most effective training program in history: on-the-job training.

I wonder, if we had the kind of minimum wage that the Senator from Massachusetts is talking about when I was out trying to get jobs—jobs with the Tom Houston Peanut Company, throwing the Columbus Ledger Inquirer and working for Kroger Grocery Store—I

might have been protected right out of a job. I did not appear to have any skills, and in fact I did not have any skills.

But I learned great things in those jobs. The most important skill that I acquired was the knowledge that I did not want to do those things for a living.

So we would certainly love to hear about this. My colleague is here from Utah. I think he would like to have something to say about it. But we would be perfectly willing to debate this subject tonight at any length that the Senator from Massachusetts would like to talk about it.

But at the end of the talk, we want action. And the action we want is passing this trade bill because it is going to create new jobs at high wages, with great futures. It is going to share the American dream with more people than have ever had it before, with people who missed it the first time around. We are excited about it. And it is going to happen since we have a certain amount of time that has to run off the clock now. So if people want to debate minimum wage, we do not object to debating it. We just want to deal with this trade bill first because we believe it will do more good.

Mr. KENNEDY. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. KENNEDY. Well, the Senator, as I understand from his comments, is prepared to debate it, but he is going to object to any consideration to give the Senate of the United States an opportunity to act on it prior to the July recess, as I understand it.

Am I correct in understanding the Senator's position, that he would welcome the discussion and debate, but he objects to any action on the bill—the Senator was glad to ensure that there was going to be voting on the questions of the trade bill in support for the cloture earlier today to make sure we were going to vote on a trade bill. But, as I understand the Senator's position, he objected to the majority leader's request to permit the Senate to vote on the issue of the minimum wage?

Mr. GRAMM. Reclaiming my time, let me say his problem is not with me but with the fact that we are on a trade bill of which almost 70 Members of the Senate voted for cloture, saying they want to get on with passing this trade bill to create more jobs, more growth, more opportunities.

The Senator has proposed a measure which we have never seen, that he has never filed, that is not on the calendar, that is not relevant or germane. We are being asked to waive the rules of the Senate and delay the creation of new jobs from trade for an amendment that is not in order today.

Mr. KENNEDY. If the Senator will yield for a point, this is not being offered as an amendment. It is just a unanimous consent request. We take action on it later on in the session. It was not an attempt to offer it as an amendment tonight.

Mr. GRAMM. Let me say that—

Mr. KENNEDY. But I understand the Senator has objected to that as well.

Mr. GRAMM. We are in the minority here. You control the flow of legislation. I don't understand why you are asking us for permission to bring up bills. All I know is we are here trying to pass a trade bill, and you are talking about another subject. The point I was making is that thanks to the wisdom of our Members, we now have some—how many hours do we have postcloture?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-two hours?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-three hours. So we have ample time, if the Senator wants to talk about this issue, to do it. I know the Senator from Utah wants to say a word about it.

So I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Texas. I would say to the Senator from Massachusetts if he were still in the Chamber, I would be happy to take action on his bill. The action I would seek to take would be to kill it. That is effectively what we have done with our objection. But if the Senator from Massachusetts can get the majority leader to bring it up in another place, I will be happy to vote to kill it in that place, too.

I do so not because I am hardhearted, not because I think the people who are at the bottom of the economic ladder don't need help, not because I want to hurt them, but because I want to help them. I have often said that if I could control what we carve in marble around here, along with the Latin mottoes and the other statements we have, we should probably have before us at all times the statement: You cannot repeal the law of supply and demand.

We keep trying in government to repeal the law of supply and demand. We keep trying to set prices or wages at a level different than the market. Well, I don't have the Ph.D. degree in economics my friend from Texas has, but I learned in Economics I that when government sets a price different from where the market would set it, you get one of two things: either a shortage or a surplus. If government sets the price on a commodity and says, this is what we will pay for this commodity because everybody ought to have access to it, and they set the price by law too low, you get a shortage of that commodity because no one wants to produce it at that artificially low price.

We have seen that. Remember when there was price control on natural gas and there was an insufficient supply of natural gas. You got a shortage. When Ronald Reagan became President, he said: We are going to remove price controls on natural gas, and many people—I was not in the Chamber so I can't tell you whether there are some

who are still here who were there at the time—said: Without price regulation, the price of natural gas will go through the roof.

Guess what happened. When we removed the artificial restraint on the price of natural gas, it went up temporarily enough to get a lot of people producing natural gas, and then it came down, ironically, to a price below the price the Government had set, once the market forces took over and people started producing natural gas. You can get a shortage or you can get a surplus.

I remember when my father was on the Banking Committee and the Government set the price of silver for silver coinage. It was higher than the market would pay for silver, and the Government stockpile of silver got bigger and bigger and bigger because people were producing silver, not for the market but for the Government, at an artificially high price.

What does that have to do with the minimum wage? Simply this: If you set the price of unskilled labor by Government fiat at a place where the market would not put it, you are going to create a shortage of jobs. If Government guarantees a price of labor higher than the market, you will get a surplus of people applying for those jobs. It is as simple and as inexorable as that. You cannot repeal the law of supply and demand.

What segment of our economy has the highest level of unemployment? It is the inner cities, among African-American males of teen age. They have the highest level of unemployment of any group measure in the country. Why? Because jobs in the inner city for teenagers who don't have skills have been priced out of the market by minimum wage legislation.

The Senator from Texas talked about his first experience. I went to work at 50 cents an hour when I was 14 years old, and I had the same kind of experience the Senator did. I didn't need the money, but I certainly needed the experience. It taught me the necessity of showing up on time. It taught me the necessity of being dependable, of doing the kinds of things my supervisor wanted me to do whether I wanted to do them or not. It got me involved in a way that I have found valuable all the rest of my life.

If the minimum wage, which was 40 cents an hour at the time—so I was above the minimum wage by 10 cents—had been raised to 65 cents an hour, I would have lost my job. I wasn't worth 65 cents an hour to my employer. Frankly, I was barely worth 50. I would have lost my job.

I cannot understand why some people insist that the poor are better off unemployed at a high rate than working at a slightly lower rate. But that is what we have; that is where we are.

We are talking about this trade bill. We are saying it will help the American economy. At the time when the economy was doing perhaps its best, during the 1990s, and Alan Greenspan

came before the Banking Committee, a Senator asked him: In these boom times, Mr. Chairman, who is benefiting the most from America's prosperity?

I could tell by the way the Senator framed the question that he expected Greenspan to say "the people at the top" because the Senator was particularly concerned about what he considered to be an improper gap between the people at the top and the people at the bottom, and he was going to use Greenspan's answer to make a case for raising the minimum wage: The people at the top have gotten well, the people at the top have gotten fat in this time of great economic prosperity; it is the people at the bottom we need to help.

I could tell that was the attitude of the Senator as he asked the question. He was disappointed in Greenspan's answer. Greenspan replied: Unquestionably, Senator, it is the people at the bottom who have benefited from this economic boom.

My memory tells me he said the bottom fifth because, being an economist, he always has to quantify everything. So it was the people in the bottom quintile, to use an economist's phrase, who had benefited the most from the economic boom.

Then the dialog went back and forth between Chairman Greenspan and the Senator, with the Senator saying: Yes, but the people at the top have gotten these enormous financial rewards by virtue of the good economy.

Chairman Greenspan said: Yes, that is true, if you measure the benefit solely in dollars. However, if you measure the benefit in terms of life impact, the people at the bottom, who have had a 40-, 50-, 60-percent blessing in their lives by virtue of the fact that the economy is creating jobs for them, their life has been impacted far more than a millionaire who was at \$2 million net worth and then saw his net worth go to \$3 million. His lifestyle doesn't change much. His life circumstances don't change, if at all. He has more money to invest, and we hope he invests it in a way that will further stimulate the economy, but in terms of what happens in his life, nothing really changes by virtue of his increase in net worth. But someone who could not get a job or who couldn't see his job increase because the economy was flat, now in these times of prosperity can get a job and can see his opportunities increase.

I remember in those times when I talked to employers in the State of Utah and I would ask them: What is your biggest problem?

They said: We can't find anybody to hire. The economy is so good that everybody can get a job.

I had one employer say to me: We will hold a mass job interview. We will advertise in the paper, and 15 or 20 people come in to listen to our pitch as to why they should come to work for us. We will start through our explanation of what this job is, and half of them will get up and walk out because they

know they can walk down the street and hear somebody else's pitch and they can pick and choose. Our problem is, because the economy is so good and there are so many jobs, we are having hard times even filling the entry-level jobs.

Right now, the economy is not so good. Right now, we don't have employers who are complaining about that problem. And right now is not the time to artificially price those entry-level jobs out of the market by attempting to repeal the law of supply and demand.

Who will get hurt the most by an increase in the minimum wage? Ross Perot won't get hurt. Donald Trump won't get hurt. The people at the top won't be affected one way or the other. It is the person who is working for today's minimum wage, whose economic benefit to his employer would not justify the proposed minimum wage, who gets laid off. That is who gets hurt. It is the people at the bottom whom we are trying to help, who will, ironically, suffer the most if the minimum wage goes through.

I can take you to employers in my State who laid people off the last time the minimum wage went up. Employers said: I simply cannot justify it anymore. I would like to pay them, I would like to have them working for me. But, frankly, the economic return I get from them is not worth it when the minimum wage goes up. I am going to lay them off. I can get the same job done with mechanization or some other device, or I can simply do without it in my business. It is just not worth it to me to pay that much.

So those people walked off the job into the unemployment lines, with the cold comfort that their nominal rate was now 50 cents or 75 cents higher than it had been. They were not collecting it, but at least they had the warm feeling of knowing the Government determined that was what they were worth.

The market determines who gets hired. The market determines who gets paid. We cannot repeal the law of supply and demand.

So I say again, the Senator from Massachusetts says he wants action on this bill and he is disturbed that we are not willing to take action. I would be willing to take action, and the action I would want to take for the benefit of the people at the bottom, for the benefit of the African-American teenagers in inner cities who cannot get work, for the benefit of those who are just trying to start out, would be to say let's kill this bill, let's take care of the people at the bottom the best way we can, but one of the things we should not do is price their jobs out of the market and put them in the unemployment lines.

I yield the floor.

## ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. Amendment No. 3433.

Mr. REID. Is that the Reed of Rhode Island amendment?

The PRESIDING OFFICER. Yes.

AMENDMENTS NOS. 3456, 3457, 3431, AND 3432  
WITHDRAWN

Mr. REID. Mr. President, on behalf of Senators DURBIN and BOXER, I ask unanimous consent that the following amendments be withdrawn: Amendments Nos. 3456, 3457, 3431, and 3432.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, I am sorry, we were having a conference in the cloakroom and I didn't hear.

Mr. REID. Four amendments are being withdrawn.

Mr. GRAMM. Mr. President, not only do I not object, I concur.

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

AMENDMENT NO. 3443

Mr. REID. Mr. President, I make a point of order against the Reed of Rhode Island amendment, No. 3443, that it is not properly drafted.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

AMENDMENT NO. 3447

Mr. REID. Mr. President, it is my understanding that the next matter in order is the Byrd amendment No. 3447; is that right?

The PRESIDING OFFICER. The Senator is correct. The amendment is now pending.

AMENDMENT NO. 3527 TO AMENDMENT NO. 3447

Mr. REID. Mr. President I call up amendment No. 3527, a second-degree amendment to the Byrd amendment.

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

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3527 to Amendment No. 3447.

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

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

The amendment is as follows:

(Purpose: To provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits)

At the appropriate place, insert the following:

### SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. Amendment No. 3527 to amendment No. 3447.

Mr. BYRD. Is amendment No. 3447 my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The pending amendment is the second-degree amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I will speak on the first-degree amendment.

Mr. President, there can be little doubt that the various agencies of the executive branch are increasingly in the driver's seat on the important matter of trade. Meanwhile, the Congress and the American people are merely being brought along for the ride.

There are many reasons for this growing inequity, not the least of which is the willingness—at times, in fact, the eagerness—of this body to give us its rights and responsibilities under the Constitution. The Constitution mandates to the legislative branch—the people's branch—authority over foreign trade matters. It cannot, however, force the institution to exercise this authority and assert itself in trade matters. That requires the will of the Members. The lessons we have learned from our most recent experiences with trade agreements should be incentive enough for us to insist on our rights with regard to trade matters. We, after all, represent communities that have lost businesses to other countries and families who have lost their jobs to foreign firms.

Yet here we are, once again, considering a measure that further ties the hands of the members of this institution in the area of trade. Perhaps even worse, we are continuing a trend of blinding ourselves to the details of the trade agreements on which we must ultimately vote. It is almost as if we don't want to know.

At the very least, we should do more to lift the veil on trade negotiations so that we have some idea as to what it is this Nation is signing up to when the agreements go into effect. But to do so we need to establish the means for Members to participate more broadly, and in more detail, in important trade negotiations, as well as to carry out the important oversight functions that our complex trade laws require.

The fast track bill now before the Senate opens that door. The bill establishes the Congressional Oversight Group to serve as an official adviser to



the U.S. Trade Representative on matters that include the formulation of specific trade objectives and negotiating strategies, the development of new trade agreements, and the enforcement of existing trade agreements.

The establishment of the Congressional Oversight Group is intended to help the legislative branch play a more substantial role in trade negotiations, but as laid out in this legislation it does not go quite far enough.

As established by the bill, the Congressional Oversight Group will be comprised of five Senators, each of whom must serve on the Finance Committee, five Members of the House of Representatives, each of whom must serve on the Ways and Means Committee, and, on an ad hoc basis, the chairman and ranking members of the various committees of the House and Senate that would have jurisdiction over provisions in the trade agreement that is under negotiation. This select group, of perhaps as few as 10 Members of Congress, would then be given the authority, under law, to advise the U.S. Trade Representative on important matters of international commerce. Choosing members of the Finance and Ways and Means Committees was a logical move on the part of the authors of this provision. These are committees with, perhaps, the greatest degree of expertise in trade matters. But our trade negotiators, and the American people, should have the greater benefit of the breadth of expertise that can be offered by a more diverse representation of the Congress.

Mr. President, in some respects, the Senate has already gone over this territory. We have the National Security Working Group to assist the Foreign Relations Committee and the Armed Services Committee with reviewing important arms control agreements. The National Security Working Group is not a replacement for those communities, but it is a useful back channel between the legislative and executive branches during the early stages of arms control negotiations, just as the Congressional Oversight Group is intended to do for trade negotiations. But the National Security Working Group has functioned well because its membership is not limited to those Senators who serve on the committees of jurisdiction. The National Security Working Group has 20 members, eight of whom serve on neither the Armed Services Committee or the Foreign Relations Committee. Indeed, one of the group's greatest strengths is that it draws its membership from the whole Senate, rather than just one committee.

The amendment I offer expands the Congressional Oversight Group to 22 members, selected from the membership of the Senate and the House of Representatives who do not serve on the Finance Committee in the Senate or the Ways and Means Committee in the House. Just as with the National Security Working Group, the leader-

ship of each House of Congress will serve on this panel. In addition, the leadership of each House will select eight additional members to complete the Congressional Oversight Group. It also authorizes expenses for Senate staff, so that the group can follow the negotiations of trade agreements on a full-time basis, not just as the schedules of the members of the group allow.

The changes that I propose to the composition of the Congressional Oversight Group as established in the fast-track bill do not in any way detract from the consultations between the administration and the congressional committees of jurisdiction. The Trade Act of 1974 established a process for consultation between the congressional committees of jurisdiction and the executive branch. At the beginning of each Congress, the President pro tempore of the Senate is directed to appoint, after consultation with the chairman of the Finance Committee, five members of that committee to work with the U.S. Trade Representative during the negotiation of trade agreements. The Speaker of the House is also directed to make appointments for members of the House committees of jurisdiction to serve in the same advisory role.

The U.S. Trade Representative is directed to keep these congressional advisors "currently informed on the trade policy of the United States," and make these advisors aware of any proposed changes to our trade policy. This is the mechanism by which the members of the committees of jurisdiction can remain informed of the progress in negotiating fast-track agreements.

My amendment prevents the congressional Oversight Group from being a redundant entity, as it currently is configured in the fast-track bill, and expands it to include a broader group of members of Congress in both Houses who are interested in trade, but do not serve on the Finance Committee or the Ways and Means Committee. The amendment does not elevate the Congressional Oversight Group above the status of the committees of jurisdiction on trade matters. In fact, my amendment specifically directs that any meetings that are open to the Congressional Oversight Group shall also be open to congressional advisers for trade policy.

Because trade agreements encompass so many issues, including labor protections and environmental standards, as well as adjustments to our own trade rules, all committees with jurisdiction should be fully consulted at all stages of negotiations on a new trade agreement. But many Senators who do not serve on the committees of jurisdiction also have great interest in our trade laws and they can offer significant contributions. These Senators should have the opportunity to receive similar consultations. The Congressional Oversight Group, as laid out by my amendment, would allow these Senators with an interest in trade matters to be fully

informed of the progress of negotiations.

The fast-track procedure for considering trade bills turns the legislative process on its head. It forbids Senators from offering amendments, even for the purpose of clarifying the intent of the agreement in question. The fast-track procedures limit the time that a trade agreement could be debated, as if Senators should not be given the time to learn what is really in the agreement.

In that case, the only Senators who would really know what a trade agreement does, and why it needs to be done, are those Senators who participate during the negotiation of those agreements. Right now, only five Senators have been appointed to be congressional trade advisors to the U.S. Trade Representative, and every one of those Senators serves on the Committee on Finance. It is all well and good to draw upon the expertise of the members of the Finance Committee, but what about the rest of us?

At what point will we, who do not serve on the Finance Committee, be made aware of the progress of trade negotiations? When will those Members of the Senate who are not on the committees of jurisdiction have an opportunity to see that the interests of our States are protected by a trade agreement? Is it when the agreement is signed, sealed, and delivered to Congress for an up-or-down vote? Or are we, as the elected representatives of the people, entitled to have our input on these trade agreements while there is still an opportunity to do so?

In an increasingly global marketplace, the ramifications of trade negotiations are undoubtedly reaching into the smallest crevices of our economy. The types of industries, the numbers of businesses, and every American's everyday concerns that are being impacted by foreign trade are real and constantly growing. The consultation of a broader number of Senators on potential trade agreements will more adequately and appropriately address the pervasive influence of foreign trade on America today. My amendment to change the composition of the Congressional Oversight Group will help end the exclusive nature of trade consultations. I urge my colleagues to support this amendment.

Mr. DORGAN. I wonder if the Senator from West Virginia will yield for a question.

Mr. BYRD. I will be glad to yield.

Mr. DORGAN. First, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. DORGAN. Madam President, the Senator from West Virginia has offered a very sound proposal to this so-called fast-track legislation. I was wondering if the Senator from West Virginia, who has been in this Chamber a long while, knows of circumstances where other

things have been given "fast track" treatment in ways that help ordinary folks.

Has the Senator from West Virginia been aware of circumstances where, for example, legislation that affects ordinary Americans is given fast-track authority to be considered here?

Mr. BYRD. No, no.

Mr. DORGAN. How about the disputes against unfair foreign trade practices that the steel industry raises or that family farmers or textile manufacturers raise—do the disputes they deem they need to bring because they are victims of unfair trade get fast-tracked or do they get slow-tracked?

Mr. BYRD. No, they get slow-tracked.

Mr. DORGAN. I wonder if the Senator will agree that, while fast track is making new agreements and shoving them through the Congress with no amendments, efforts to correct the problems in trade that are faced by so many American workers and so many businesses cannot get any action, let alone slow-track; they get no movement at all. Is that not the case?

Mr. BYRD. That is the case, precisely.

Mr. DORGAN. Madam President, it is ever more important that the Senator's amendment be approved. To the extent Congress is going to provide so-called fast-track authority, we need people looking over the shoulders of those who are going to negotiate these trade agreements.

I was in a room in Montreal when the United States-Canada Free Trade Agreement was negotiated. It did not do much good, frankly. I went there and heard what the negotiator had to tell us, but it was not part of the negotiations. When I got back here, I discovered that which was negotiated behind the scenes in a secret agreement did not come out until 2 years later, much to the detriment of American farmers.

Senator BYRD is on the right track saying if fast track is going to happen—and I do not support fast track—but if it is going to happen, in future negotiations, let's have more people looking over the shoulders of those who are negotiating on behalf of our country.

Mr. BYRD. Madam President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Madam President, I rise as a cosponsor of Senator BYRD's amendment, and I wish to express my support for this amendment, if my voice will let me do so.

I am very proud to be a cosponsor of this amendment. It is a very important improvement to this legislation. I particularly believe those who found the Dayton-Craig amendment to be anathema should look at this very closely, welcome it, and support it, as should all of my colleagues.

It does provide, as the Senator from North Dakota just said correctly, an

ongoing involvement of the Members of both the House and the Senate in these negotiations. If we are going to be asked to approve these agreements on an expedited basis when they come to us, then I think it is essential we have this opportunity to participate.

The Byrd amendment provides us with a group, the staff, and resources necessary to make qualified judgments. That is an essential role if we are going to have a true partnership with the executive branch.

I note the Constitution of the United States, which the distinguished Senator from West Virginia knows so well, ascribes to the legislative branch the sole authority for governing trade negotiations and all aspects of trade. It does not mention the executive branch. Certainly that responsibility has been devolving to a shared relationship, but it is certainly not one this branch could responsibly cede nor would it want to cede.

I also point out that given the arrangements with the World Trade Organization, which is still expanding its breadth and its reach, once rules have been established by that body, it is my understanding they can only be changed by unanimous concurrence of all participating countries, which means that once this country has given up to the World Trade Organization any of the laws or the protections that have been established for the benefit of the American people, we cannot unilaterally take them back, which makes it even more important that the amendment of the Senator from West Virginia be passed to give the Congress that oversight and chance to anticipate ahead of time what the consequences are going to be of some of these decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Minnesota. I appreciate his willingness to cosponsor the amendment, and I value his association in the matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3448 AND 3449

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

The PRESIDING OFFICER. The Senator from West Virginia controls 48 minutes.

Mr. BYRD. I thank the Chair.

Madam President, I speak on amendments Nos. 3448 and 3449, which I offered earlier.

Madam President, for nearly 50 years I have worked to preserve the institu-

tional integrity of the Senate and the House. Throughout this long period, I have repeatedly and consistently opposed exactly the type of fast-track provisions that are contained in this bill. During my decades in the Senate, I have staunchly opposed fast-track because I believe it improperly delegates to the Executive Branch unwarranted and excessive power over the regulation of foreign commerce. I have to say, however, that upon reviewing this bill, I find its provisions are some of the most offensive to date. This bill continues the sorry trend of giving the President carte blanche to determine what will be contained in a series of trade agreements, and—except for the provisions on trade remedies exempted by the Dayton-Craig amendment—deprives the Senate of any opportunity to amend these agreements in order to either improve their provisions or correct any deficiencies they may contain.

This bill impedes the ability of the Senate to enact a resolution of disapproval against a trade agreement that it finds objectionable. Although, at first glance, the bill appears to permit a Senator to introduce a resolution of disapproval rejecting a trade agreement that is brought back to the Senate by the President, the reality is that such a resolution most probably would never come to the floor of the Senate for a vote.

This is because the bill states that, once a resolution of disapproval is introduced and referred to the Senate Finance Committee, it will not be in order for the full Senate to consider the resolution if it has not been reported by that committee. In other words, a disapproval resolution cannot be forced to the floor through a discharge of the Senate Finance Committee. The way this bill is currently written, if a resolution of disapproval is not reported out of the Senate Finance Committee, it might as well never have been introduced. The resolution simply languishes, and languishes, and languishes, and languishes.

This means that, so long as the Senate Finance Committee endorses the President's agreement, the views of the rest of the Senate are irrelevant. Enacting fast-track in this bill not only provides the President with unfettered authority to negotiate trade agreements, it also prevents the Senate from exercising its constitutional responsibility to reject or modify trade agreements that are not in the best interests of the American people.

The Constitution in Article 1, Section 8, not only provides Congress with the power to "lay and collect taxes, duties, imposts and excises" and to "regulate commerce with foreign nations," but it also gives the Congress the authority to enact all legislation that "shall be necessary and proper for carrying into execution the foregoing powers." This authority of the Congress to enact or to refuse to enact legislation

applies specifically to the trade agreements that the President seeks to negotiate under fast-track.

It is imperative that every Senator retain his or her right to introduce a resolution of disapproval that can be considered in the light of day by the full Senate. The rules of the Senate exist not only to protect the rights of its Members. In fact, it should be said that the rules and procedures exist to protect the rights of the people. This body is uniquely structured to provide a voice and power to the minority. I repeat, the minority. And I remind my colleagues in this Chamber that a minority can be right. The rules of this body, in fact, provide each individual member with leverage, and each of us has a stake in ensuring that these rules are respected, and that procedural changes of this type are only undertaken with great care and thoughtfulness.

To this end, I am introducing two amendments to require that, upon introduction, any resolution of disapproval—including an extension resolution of disapproval—will be referred not only to the Senate Committee on Finance, but also to the Senate Committee on Rules and Administration. After all, it is the Rules Committee that is charged with making the rules and procedures that govern this institution, and its expertise is essential to guarantee that the commitments undertaken by our trading partners in the trade agreements we negotiate are enforceable under U.S. law.

Under these amendments, each of these committees will be required to report the resolution of disapproval that has been referred to it within 10 days of the date of its introduction and, if either of these committees fails to report the resolution of disapproval within that time, either of these committees shall automatically be discharged from further consideration of the resolution. The resolution shall then be placed directly on the Senate Calendar. Once the disapproval resolution is placed on the Senate Calendar, any Senator may make a motion to proceed to consider that resolution, and the motion to consider the resolution shall not be debatable.

The language in this bill and its accompanying report prohibiting a resolution of disapproval from being discharged from the Finance Committee constitutes a sharp distortion of the Senate's rules that would dramatically impede the rights of the 79 Members of the Senate who happen not to serve on the Senate Finance Committee. In other words, almost four-fifths of the Senate will have no say regarding whether what the President has negotiated is right or wrong.

If enacted as currently written, this bill would effectively cut a majority of Senators out of the trade regulation process, preventing them from correcting sweeping changes in trade law that could unfairly affect the lives of their constituents who rely on the Sen-

ate to protect their interests. It is not as if Senators, in recent years, have had much of a say in trade matters. They have not. And what little voice they have had has been suppressed, if not silenced, on too many occasions by this gimmick called fast-track, a gimmick now renamed "trade promotion authority." This legislation goes beyond fast-track in its impairment of the Senate's prerogatives.

I cannot support surrendering the rights and prerogatives, the duties and responsibilities of the Senate to any president of any political party. We in the Congress have an obligation to strike down trade agreements that adversely affect the American people. But it is impossible for us to do so if we do not provide ourselves the opportunity to adequately review, debate, amend, or reject their provisions as we are rightly empowered to do under the Constitution of the United States. These amendments ensure that we retain the power to modify or reject trade agreements that are not in the best interests of the majority of the people of the United States and, in so doing, protect the economic well-being of the Nation and of the people we represent.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I support giving the President trade promotion authority, as the bill now before the Senate would do. It is essential that we work with President Bush to ensure that we break down barriers and promote the sale of U.S. goods and services and agricultural commodities in other countries.

Export markets are absolutely necessary to assure the profitability of American agriculture. America's farmers are producing more but exporting less.

Last year, exports of U.S. farm products amounted to just over \$50 billion. That is a decrease from 5 years ago when we reached a high of \$60 billion in foreign exports.

For our country to prosper, we must have access to foreign markets. These markets not only help farmers; they help create jobs in processing industries, as well as transportation.

Tariffs in other countries against our farm products are too high. They can be reduced through aggressive negotiation by our President. The tariff on U.S. agricultural products averages over 60 percent compared to under 5 percent on other domestic goods. If the President had the authority to negotiate international trade agreements, farm receipts would go up and not down as has been our recent experience.

One out of every three acres planted by farmers across America is intended for export. But because we aren't selling all we produce, commodity prices are going down, and the agricultural sector is having a very hard time making ends meet.

One of my State's biggest exports is poultry. The Mississippi broiler industry, which is one of the largest in the Nation, accounts for 40 percent of all farm receipts in my State. That industry especially benefits from trade agreements that prohibit quotas and reduce tariffs.

As a result of breaking down trade barriers on poultry, my State's exports to the Philippines, for example, have risen over 600 percent. This is a clear reminder of the positive result we can obtain through free trade agreements.

Throughout the world, there are about 150 different trade agreements among other countries. The United States is only partner to three of them. For every market that is opened through country-to-country negotiations, an opportunity is lost for America.

I urge the Senate to approve this trade promotion authority legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3543 TO AMENDMENT NO. 3401

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order at this point that I send an amendment to the desk on behalf of myself and Senator VOINOVICH, an amendment to the Baucus substitute.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. VOINOVICH, proposes an amendment numbered 3543 to amendment No. 3401.

On page 228, line 21, insert after "exports" the following: "(including motor vehicles and vehicle parts)".

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I offer an amendment with Senator VOINOVICH, my fellow co-chair of the Senate Auto Caucus and Senator STABENOW. Our amendment would include in one of the listed principal negotiating objectives of the United States to reduce trade barriers in other countries to U.S. motor vehicles and vehicle parts. Increasing access for our products to markets which are closed or partially closed to us surely should be the objective of all of us.

Other countries have full access to our market for their autos and auto parts. The fast track provision we are considering makes it a principal negotiating objective to expand trade and reduce barriers for trade in services, foreign investment, intellectual property, electronic commerce, and agriculture, and other sectors. Yet the biggest portion of our trade deficit is in

autos. In 2001, our automotive deficit made up over 31 percent of our total trade deficit with the world. In 2001, our automotive deficit was 59 percent of our total trade deficit with Japan and 53 percent of our total deficit with Korea.

No omnibus trade bill should leave the Senate without addressing barriers to our products which are the largest contributors to our trade deficit. We can start by making opening foreign markets for U.S. automotive products one of our principal negotiating objectives.

America's domestic auto industry is the largest manufacturing industry in the United States. The domestic auto industry alone contributes almost 4 percent to the total U.S. Gross Domestic Products. Our domestic auto manufacturers operate 52 manufacturing and assembly facilities in 19 states around the country, and when auto parts manufacturers are included, there is an automotive manufacturing presence in almost every state. The Big 3 automakers directly employ over 500,000 people in automotive-related jobs in the U.S. That number grows by an additional 2 million jobs when you count automotive suppliers and other related industries.

The auto industry is also a hi-tech manufacturing industry. It is one of the largest users of computers and the advanced technologies. It also spends nearly \$20 billion annually on research and development, more than any other industrial sector in America. The U.S. auto industry contributes mightily to our economic well being. Yet we continue to neglect it when it comes to insisting on fair market access for exports of autos and auto parts.

The U.S. passenger vehicle market is the most open and competitive in the world. But when we go to sell our autos and auto parts in foreign markets, we face significant trade restrictions. Some of the most egregious practitioners of unfair trade in autos and auto parts are Japan and Korea. The sale of American vehicles and auto parts in Japan has been blocked by protectionist measures such as government regulations dealing with vehicle certification, inspection, and repair. In Korea, restrictions include a tax system that discriminates against imported vehicles by making them prohibitively expensive, discriminatory practices such as labeling foreign vehicles as "luxury goods," and the perception that the purchase of a foreign vehicle will trigger a tax audit.

Since 1990, the U.S. automotive trade deficit with Japan has averaged 55 percent of our total trade deficit with Japan. A 5 year market opening agreement in autos and auto parts that was largely a failure. The U.S. automotive trade deficit with Korea has grown significantly since 1995 despite two automotive market opening agreements with Korea.

Japan and Korea want it both ways. They want to keep a sanctuary auto-

motive home market that is protected from competition while they export a significant portion of production to the United States.

We have been trying to open Japan's automotive markets for decades to no avail. In the mid-1980's we engaged in 8 years of Market Oriented Sector Specific, MOSS, talks with Japan to try to open Japan's auto parts market. During that time, our auto parts deficit with Japan rose from \$3.3 billion in 1985 to nearly \$11 billion in 1992 despite modest increases in sales by U.S. parts makers to the Japanese. The MOSS talks were followed by Framework talks in autos and auto parts which led to a 1995 U.S.-Japan Automotive Trade Agreement with the goal of increasing market access in Japan for U.S. autos and auto parts. That goal has not been achieved. Despite that fact, the Administration has allowed the Agreement to expire. Meanwhile, the U.S. trade deficit with Japan in autos and auto parts has gotten worse. The auto and auto parts trade deficit was \$32.9 billion in 1995. By the end of 2000 when the Agreement was allowed to expire, it was \$44.2 billion, more than 60 percent of the overall U.S. trade deficit with Japan and 10 percent of the worldwide U.S. trade deficit.

The U.S. government, in its annual Trade Barriers Report, acknowledges that it is disappointed with the access of North American-made vehicles and parts to Japan.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. South Korea has the most closed market for imported cars and trucks in the developed world. While foreign vehicles account for only 1/2 of one percent of its total vehicle market, Korea depends on open markets in other countries to absorb its auto exports. Korea exports half of all the passenger vehicles it produces, with many of those vehicles coming to the U.S. Last year, Korea imported only 7,747 vehicles from the United States and exported over 600,000 to our country.

This imbalance exists despite two separate automotive trade agreements between the United States and Korea which were supposed to open Korea's market: the first in 1995 and the second in 1998. This imbalance is unfair to America and its workers and only threatens to get worse if we do not act immediately.

The amendment Senator VOINOVICH and I have introduced attempts to address the gross inequities in market access for U.S. autos and auto parts among some of our major trading partners. Our amendment would make market access for motor vehicles and vehicle parts a principal negotiating objective of the United States. The underlying bill includes 14 principal negotiating objectives and the Senate voted overwhelmingly to add textiles to that list. Since autos and auto parts are the largest part of our deficit, it is unacceptable that foreign trade barriers

that exclude U.S.-made passenger vehicles and auto parts from certain markets are allowed to exist. We must act to get rid of those barriers.

Our amendment would make it a principal negotiating objective to expand competitive market opportunities for U.S. motor vehicles and vehicle parts and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers.

The current trade situation in autos and auto parts is unfair to America. We simply want access—to compete—no guarantees, just access. Every nation in the world strives to have a successful automotive industry and fights for that industry. We should do the same. The nearly 2.5 million men and women working in our nation's largest manufacturing industry deserve nothing less.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. If there is no one else who seeks recognition at this point—

Mr. GRASSLEY. I would like to have recognition on another matter, on the Byrd amendment.

Mr. LEVIN. If I may take 2 minutes.

Mr. GRASSLEY. Yes, go ahead.

I thank my friend, Senator GRASSLEY, for helping us to work out this matter. As always, he is a gentleman and is accommodating. Again, we are very grateful for the effort he made to make this possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 3447

Mr. GRASSLEY. Mr. President, is the regular order the Byrd amendment?

The PRESIDING OFFICER. The regular order is the Hollings second-degree amendment to the Byrd amendment.

Mr. GRASSLEY. Would I be in order to speak on the Byrd underlying amendment?

The PRESIDING OFFICER. Yes.

Mr. GRASSLEY. Mr. President, I am strongly opposed to this amendment, for two reasons.

First, the amendment would disrupt the bipartisan balance we achieved in the Finance Committee on Trade Promotion Authority. Republicans and Democrats looked carefully at all the issues, especially the issues relating to Congressional notification and consultation, and approved a bill that, overall, goes farther in terms of congressional oversight and consultation than we have ever gone in fast-track legislation.

The second reason I oppose this amendment is that it would essentially

strip the Finance Committee of much of its traditional authority and jurisdiction over the trade policy oversight function.

According to this proposed provision, none of the proposed eight members of the Congressional Oversight Group may be members of the Senate Finance Committee.

Under this amendment, more than twenty percent of the Senate would be shut out from direct oversight of how trade negotiations subject to fast-track procedures are being conducted.

In that regard, this is a very radical amendment.

It strikes me as extremely unusual, to say the very least, that the Finance Committee, which wrote and passed the bipartisan trade promotion authority bill in the first place, would be given almost no role whatever in the oversight process once trade promotion authority becomes law.

I say almost no role, because some Finance Committee members—those few who are congressional advisers for trade policy—would apparently have some limited role, in that the cochairs of the Congressional Oversight Group are required to meet with them “regularly”.

Mr. President, this is not the way that oversight of trade policy should be conducted.

I don't believe that any member of a Senate Committee—especially the Finance Committee—should be automatically excluded from the entity that the Senate establishes to review and monitor trade negotiations.

But that is exactly what this amendment does.

Do the proponents of this amendment mean that we can't trust Members of the Finance Committee to do the job the jurisdiction of their committee confers on them?

It appears that is exactly what this means.

This is not just bad policy.

Specifically excluding Senators from serving in any oversight capacity would also set a terrible precedent.

The congressional oversight process that Senator BAUCUS and I designed in the bipartisan trade promotion authority bill is a good one, and it should be preserved.

Mr. President, I strongly urge my colleagues to reject this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, hopefully, tomorrow, after a few rollcall votes on a few remaining amendments, we are going to have an opportunity to pass this bipartisan trade promotion authority act of 2002. I would like to

address the issue of the bill for a few minutes while we are waiting for final action by the Senate on how we proceed tomorrow.

This bill provides the President with the flexibility he needs to negotiate strong international trade agreements on behalf of U.S. workers and farmers while maintaining Congress's constitutional role over U.S. trade policy. It represents a thoughtful approach to addressing the complex relationships between international trade, workers' rights, and the environment, without undermining the fundamental purpose and proven effectiveness of trade promotion authority procedures.

Specifically, this bipartisan act gives the administration the authority to negotiate and bring back trade agreements to Congress that will eliminate and reduce trade barriers relating to manufacturing, services, agriculture, intellectual property, investment, and e-commerce.

The legislation supports eliminating subsidies that decrease market opportunities for U.S. agriculture or unfairly distort markets to the detriment of the United States, with special emphasis on biotechnology, ending unjustified barriers not based on sound science, and fair treatment for import-sensitive agriculture.

The legislation preserves U.S. sovereignty while engaging new trade agreements that will create solid economic growth, improve efficiency and innovation, create better, high-paying jobs for hard-working Americans that on average pay 15 percent above the average wage, and increases the availability of attractively priced products into the U.S. market for the benefit of our consumers.

The legislation adds a trade negotiating objective on labor and the environment—very important provisions for many Members of this body. This is done to ensure that a party to a trade agreement does not fail to effectively enforce its labor and environmental laws through a sustained or recurring course of action or inaction, recognizing a government retains certain discretion.

It strengthens, under the labor and environmental provisions, the capacity to promote respect for core labor standards and to protect the environment, to reduce or eliminate government practices or policies that unduly threaten sustainable development, and it seeks market access for U.S. environmental technologies, goods, and services.

The legislation adds a new negotiating objective on enforcement, giving labor and environment disputes covered by the agreement parity with other issues in the trade agreement.

It sets forth other Presidential priorities not covered by trade promotion authority, including greater cooperation between the World Trade Organization on the one hand, and the International Labor Organization on the other hand, and consultative mecha-

nisms among parties to trade agreements to strengthen the capacity of U.S. trading partners to promote respect for core labor standards and the environment, technical assistance on labor issues, and reporting on the child labor laws of U.S. trading partners.

The legislation directs the President to take into account legitimate health, safety, essential security, and consumer interests. It directs the Office of the U.S. Trade Representative to preserve our ability to enforce vigorously U.S. trade remedy laws and avoid agreements which lessen the effectiveness of U.S. antidumping or countervailing duty laws.

The legislation contains negotiating objectives on investment to increase transparency for the dispute settlement process, calls for standards of expropriation and compensation that are consistent with U.S. legal principles and practice, and eliminates frivolous claims.

The bill expands and improves consultations between the administration and Congress before, during, and after trade negotiations and particularly in the development of implementing legislation.

The Bipartisan Trade Promotion Assistance Act provides trade promotion authority until June 1, 2005, with a possibility of a 2-year extension. I point this out because there is a misunderstanding that Congress is going to give all of its power to the President. We have the consultation I talked about. Most importantly, whatever is agreed to by the President has to be passed by Congress as a law before any agreement can become effective. But we also do not give this power away to the President forever. This is the year 2002, almost June 1. So we are talking about the next 3 years with the possibility of a 2-year extension.

I happen to believe we ought to have standing trade negotiation authority for the President, and we should not have these lapses that we have had since 1994, but obviously the extent to which we give it for shorter periods of time ought to satisfy more Members of this body that we are not giving up our congressional power, which is a specific grant in our Constitution that Congress shall regulate interstate and foreign commerce.

The Bipartisan Trade Promotion Authority Act also contains unprecedented procedures that ensure prompt, meaningful, and extensive consultations with the Congress throughout the negotiating process. In other words, Members of this body and the other body are going to have ample opportunity while the President is doing all this negotiating to have reports given to us, feedback and, obviously, if Congress has to pass a final product, the President, in negotiating a position for the United States, is going to have to take into consideration the views of Members of Congress if the President wants to reach an agreement that will eventually pass by a majority vote in both the House and Senate.

In regard to this negotiation process and consultation therein, the bill establishes a congressional oversight group which is a broad-based, bipartisan, and permanent institution to be accredited as though official advisers to the U.S. delegation to consult with the U.S. Trade Representative and provide advice regarding formulation of specific objectives, negotiation strategies and positions, and development of the final trade agreement.

This congressional oversight group would maximize bipartisanship and input from Members from a broad range of committees comprising the chairman and ranking member of the Ways and Means Committee, three additional committee members, and also the chairman and ranking member, and their designees, of each committee with a jurisdiction over any law affected by trade agreements being negotiated.

The Bipartisan Trade Promotion Assistance Act also requires development of a written plan by the U.S. Trade Representative for consulting with Congress throughout the negotiations. That plan must include provisions for regular and detailed briefings of the congressional oversight group throughout the negotiations, access to documents relating to negotiations by members of the congressional oversight group, and their designated staffs. There would be very close cooperation between the congressional oversight group and the U.S. Trade Representative at all critical periods of the negotiations, including at negotiation sites, after the agreement is concluded, consultations regarding ongoing compliance and enforcement of commitments under the agreement, and finally, transmittal of a report by the Secretary of Commerce to Congress on U.S. strategy for correcting World Trade Organization dispute settlement reports that add to obligations or diminish rights of the United States.

It also provides that the President provide Congress with a written notice of intent to enter negotiations 90 days before initiating negotiations, or as soon as feasible after enactment of trade promotion authority; for negotiations already underway, including the intended date for entering negotiations, specific U.S. objectives and statement of whether seeking new agreements or changes in the existing agreement; and that the President and the U.S. Trade Representative consult with Congress before initiating or continuing negotiations on agricultural products, fish and shellfish trade, textiles and apparel products.

Before and after negotiations begin, the President and U.S. Trade Representative must consult with Congress regarding the negotiations, and particularly the U.S. Trade Representative must consult with all committees with jurisdiction over laws that would affect an agreement.

Before and after negotiations begin, if a majority of the members of the

Congressional Oversight Committee request a meeting, the President himself must meet with the group regarding the negotiations.

I have used the word "consult" many times. It is all reflected in the legislation that Congress is very carefully guarding its constitutional power to regulate foreign and interstate commerce, and we are having a contract with the President of the United States, but that contract is not a blank check to the President of the United States. He keeps in constant touch with us as the words "consulting" and "consultation" and "consult" imply, legally binding that he do that.

So I hope it is very clear we are not willy-nilly delegating some power to the President. Not at all. We are going to be a part of this process.

Now, people might ask why, if Congress is going to be a part of the process, are we having this contract with the President to negotiate for us? It is because of the impossibility, and it ought to be very obvious, 535 Members of Congress not having the ability to be in Geneva or someplace else negotiating with 142 other countries on the issue of some trade agreement. So we ask the President to do it.

I hope the emphasis upon consulting and Congress demanding that the President sit down at certain points during this process indicates that, in fact, we are very selfishly guarding congressional responsibility.

There is another part of notice and consultation that is required before actually entering into final trade agreements by the President, before it is actually signed in other words, because immediately after initiating an agreement the U.S. Trade Representative must consult closely with appropriate congressional committees, including the congressional trade advisers, the congressional oversight group, and the House and Senate Committees on Agriculture.

The President is required, at least 90 days before entering an agreement, to formally notify Congress of his intent to enter into an agreement and publish notice of such intent in the Federal Register. At this time, the President must also notify the appropriate congressional committees of certain amendments proposed to be included in the implementing bill and then provide the International Trade Commission with details of the agreement so the ITC can prepare and submit an assessment of the likely impact of the agreement on the U.S. economy and specific industry sectors.

Before entering into an agreement, the President must consult with the appropriate congressional committees and the congressional oversight group regarding three matters: The nature of the agreement; the extent to which the agreement meets congressional objectives as outlined in the bill before Congress right now; and the implementation of that agreement.

Both Houses of Congress have the ability, in the final analysis, as we all

know and as has been the practice for the last 25 years, to disapprove an agreement by passing separate disapproval resolutions if the administration fails or refuses to notify or consult with Congress in accordance with the bill that is before Congress right now that hopefully we will vote on tomorrow.

Another example of notice and consultation after a trade agreement is entered into: After the President signs it, as soon as practical after entering into an agreement, the President must submit a copy of the agreement to Congress along with statements or reasons that he had for entering into that agreement. The President is required, at least 60 days after entering an agreement, to submit to Congress a description of the changes to existing laws that would be needed to comply with the agreement.

The President is also required to submit to Congress the final text of the agreement and provide an explanation of how the bill implementing the agreement would change existing law, how the agreement makes progress at achieving the Trade Promotion Authority Act's objective, and also he must submit an implementation plan.

When that is all done, we then have to have notice and consultation on an ongoing basis. The President must report to the appropriate congressional committees on the mechanisms created among parties in the agreement to promote respect for core labor standards and to develop and implement sound environmental and health standards.

The President must also report on the required reviews of the impact of future trade agreements on the environment and U.S. employment. Congress may withdraw a trade promotion authority for failure to consult. Disapproval resolutions can be introduced by any Senator and may cover multiple agreements. Grounds for disapproval include failure to make progress in achieving the objectives that the bill has laid out.

Obviously, as I have stated before, none of this happens unless Congress gives approval by majority vote in both the House and the Senate to approve or disapprove these agreements negotiated under this bill that hopefully will pass tomorrow.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that the time until 10:30 a.m., May 23d, tomorrow, count against the time provided under the cloture.

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



## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for not to exceed 5 minutes each.

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

## BRIGADIER GENERAL STEPHEN G. WOOD, DEPUTY DIRECTOR, AIR FORCE LEGISLATIVE LIAISON

Mr. LOTT. Mr. President, I rise to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Brigadier General Stephen G. Wood. General Wood, who currently serves as Deputy Director of the Air Force Office of Legislative Liaison, was recently nominated for promotion to Major General and selected for assignment as Commander of the Air Warfare Center, Air Combat Command, at Nellis Air Force Base in Nevada. During his time in Washington, and especially with regard to his work here on Capitol Hill, General Wood personified the Air Force core values of integrity, selfless service and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of General Wood's many accomplishments, and to commend the superb service he provided the Air Force, the Congress and our Nation.

General Wood entered the Air Force through the Reserve Officer Training Corps program at the University of Washington, Seattle. He served in various operational and staff assignments including duty as an F-4D pilot, AT-38 instructor pilot, F-16 weapons instructor and squadron operations officer. A command pilot, the general has more than 3,300 flying hours in the F-4, T-33, AT-38 and F-16, including 49 combat missions during Operation Desert Storm.

Throughout his distinguished career, General Wood's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He served as F-16 Operations Officer and Commander of the 10th Tactical Fighter Squadron at Hahn Air Base, Germany; and as Squadron Commander of the 389th Fighter Squadron at Mountain Home Air Force Base in Idaho. He was subsequently selected as Chief of Joint Training Teams at Headquarters, U.S. Atlantic Command, in Norfolk, Virginia. Following this assignment, General Wood was chosen as Commander of the 8th Operations Group in Kunsan Air Base, South Korea; and later as Commander of the 35th Fighter Wing at Misawa Air Base, Japan.

General Wood is best known to us, however, because of his two Air Force assignments involving liaison to the Congress. Many here will remember that from June 1997 until November 1998, General Wood was assigned as Chief, House Liaison Office, of the Office of the Secretary of the Air Force. He excelled in this position, bringing qualities of integrity and professionalism that greatly enhanced relations between the Air Force and the Congress. He was selected in May 2000 to return as Deputy Director of Air Force Legislative Liaison for the Secretary of the Air Force.

In his many years of working with the Congress, General Wood has provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of Congressional processes and priorities and his unflinching advocacy of programs essential to the Air Force and to our nation.

I am very pleased that General Wood has been nominated for his second star and I am sure that the Senate will soon concur in that promotion. I offer my sincere congratulations to General Wood for his nomination and for his new assignment as Commander of the Air Warfare Center. On behalf of the Congress and our great Nation, I thank General Wood and his entire family for the commitment and sacrifices that they have made throughout his military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Wood for a job well done. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his new command.

## HONORING DOLORES HUERTA

Mr. KENNEDY. Mr. President, few people have done as much for America's workers as Dolores Huerta. She is a preeminent labor and civil rights leader who has worked tirelessly and skillfully to enhance and improve the working conditions for farm workers and their families for more than 40 years. She is the heart and soul—and the muscle—of the farm worker labor movement. And I join those in lauding her for all she has accomplished. No injustice and no wrong is too big or too small for Dolores's attention. And we are all so proud of all she does so well.

Born in Dawson, NM, on April 10, 1930, Dolores Huerta was raised, in Stockton, CA, in the San Joaquin Valley. Growing up, she saw first-hand the poverty that local farm workers endured. She also saw the generosity that her mother showed in providing free food and housing to local farm workers.

Dolores earned a teaching degree from Stockton College, but she left the profession because she could not stand to see her students the children of farm workers come to school hungry and without shoes. Convinced that she could be more helpful to their children by organizing farm workers, she founded the Stockton Chapter of the Community Service Organization in 1955, a Latino association to educate and assist these families.

In 1962, Dolores Huerta joined Cesar Chavez in founding the National Farm Workers Association which eventually became the famous United Farm Workers Organizing Committee.

As a co-founder of UFWOC, Ms. Huerta's efforts have led to wide-ranging reforms for farm workers and their families. For example, Ms. Huerta negotiated a contract which established the first health and benefit plan for farm workers. In addition, her consumer boycotts resulted in the enactment of the Agricultural Labor Relations Act, the first United States law that granted workers to collectively bargain for better working conditions. Ms. Huerta also fought hard against toxic pesticides which were destructive to farm workers and the environment, and negotiated agreements to ensure that dangerous pesticides were not used in the fields.

Ms. Huerta has already been recognized by many for the groundbreaking work that she has done. She has received several honorary doctorate degrees and was honored as one the "100 Most Important Women of the 20th Century." In addition, Ms. Huerta was recently named one of six Women Sustaining the American Spirit. We here in the Senate thank Ms. Huerta for her passion and commitment to children, women and farm worker families. All workers deserve fair treatment and safe working conditions. The American people are better off today because of all she has done, and it is a privilege to be able to offer her this tribute from the United States Senate.

## THE FARM BILL

Mr. HATCH. Mr. President, I rise to discuss the recent enactment of H.R. 2646, the Farm Security and Rural Investment Act of 2002, and to explain why I made the very difficult decision to vote against it. First, I wish to express my sincere thanks to the members of the House and Senate Agriculture Committees and the conferees for their very hard work in producing this farm bill. I have no doubt that their aim was the good of America's farmers and of rural America.

There are a number of important provisions in the farm bill that will have a positive impact on our family farms. I am pleased that significantly more funds will go to conservation programs and to help livestock producers and feedlot operators to better protect the environment. I am especially proud of language included in the farm bill that

will restore a modest and carefully constructed wool program for our sheep industry. The new wool payment is crafted to provide some assistance during difficult times but not so much that the wool market will become distorted. I think the wool payment program is a good model for providing farmers with a good safety net.

I wish I could say that the other crop support programs in H.R. 2646 were also well-crafted, but I cannot.

I was a strong supporter of the previous farm bill, or the Fair Act. The Fair Act attempted to free our farmers from the heavy hand of government and restore to our farmers the benefits of the free market.

While I supported the Fair Act, I also recognized that the safety net for our farmers still needed some strengthening. A farm safety net should help farmers succeed in the free market. The alternative is to protect our farmers from the free market, and we have learned from failed farm programs of the past that there is not a good way to do that.

It is unfortunate that our new farm bill appears to be heading back down those same paths. Its greatest weakness is that in an attempt to provide some protection for farmers it goes well beyond the mark. We needed a fresh approach to supporting our farmers, but this latest farm bill is an unpleasant trip down memory lane. It risks turning our farmers into welfare recipients, and it puts the bureaucrat back in the business of running our nation's farms.

In H.R. 2646, the programs for row crops are intended to kick in when there is an oversupply and prices are low. Basic economic principles would indicate, and history has proven, that these counter cyclical programs themselves can create an incentive for overproduction which, in turn, keeps prices low. Unless they are crafted very carefully, counter cyclical programs lead to a spiral of dependency. As long as the government money keeps flowing to the farmers, the overproduction does not bankrupt them. But it does put our farmers on the federal dole, and I don't believe that's where the farmers of Utah want to be.

One of the greatest benefits our government can provide to our farmers is a world system of free and fair trade. Our Nation's farm products are the best, and consumers around the world are clamoring for them. Through tremendous effort and lengthy negotiations, this and past administrations have been prying open foreign markets to U.S. agricultural products. I believe that too many of the programs in H.R. 2646 go beyond support for farmers and instead attempt to protect them from competition. The governments of our largest foreign markets for agriculture products are keenly aware of this, and with some justification they are alarmed by our recent shift toward protectionism. I fear the effects of this shift will hurt farmers. Doors to for-

eign markets that have been opened to our farmers may now close, the possibility for new markets may be quashed, and a greater number of future agricultural trade issues will be decided by the World Trade Organization, not by our trade negotiators.

Another important consideration for me in deciding to oppose H.R. 2646, was the alarming escalation of the cost of the bill. My understanding was that it would take about \$100 billion to keep the current programs running for our farmers. On top of that, we budgeted an additional \$73.5 billion to help meet the needs of our farmers. That is a big increase, but I think our farmers deserve the additional help. I would feel better about spending this extra money, though, if I believed that it would benefit our agricultural industry rather than work against it. I would also feel better about the extra spending if the original \$173.5 billion had not mysteriously risen to a budget busting \$190 billion.

I know the farmers of Utah. They are prudent businessmen who simply want a fair shake. They do not want to go on the government dole, they do not want to close foreign markets, and they do not want to add to our budget deficit. Unfortunately for the farmers of Utah, the farm bill that has recently been signed into law does all of the above. And yet, all this money and all these programs do strangely little for the small farmer of Utah. A full two-thirds of all these programs will go to only 10 percent of our nation's largest farms. This is a particularly grotesque and embarrassing aspect of H.R. 2646. If these largest farms are so efficient, why do they need this level of welfare? Where are the economies of scale that should make the largest farms the strongest?

I voted on the floor of the Senate, along with 65 of my colleagues, to address this issue by providing certain limitations on the size of payments the largest farms could receive under this farm bill. Although two-thirds of the Senate agreed on these payment limitations, the final conference report came back to us stripped of this important provision.

I wish we had a farm bill to which I could have given my blessing, but frankly, H.R. 2646 did not deserve my blessing. I am pleased that Utah's woolgrowers will receive some much needed relief, that our livestock producers in general will receive important funding for conservation measures, and that our crop growers will gain some certainty from the enactment of a farm bill, but I fear there may be a heavy price to pay in the long run for our agricultural industry—a price that could have been avoided with a little more prudence and restraint on the part of the legislators and the farm organizations who helped to develop this farm bill.

I hope that Utah's farmers can understand why I needed to vote against this farm bill. I cherish the farmers of

Utah. I consider them the finest citizens our nation has. There is no group that works harder, that is more patriotic, or that is more morally strong than the farmers of Utah. I have often stated that they are the backbone of our society, and I have always believed it to be true. I will continue to do all I can to support our farmers in the way that I believe they want to be supported, and I think my record reflects that this is what I have attempted to do over the years. I believe that the farmers I represent understand this.

#### TUNA IMPORTS FROM THE PHILIPPINES

Mr. SARBANES. Mr. President, I rise today to express my concerns about a provision in the Andean Trade Preferences Act, ATPA, that will have serious adverse, unintended consequences on United States initiatives in the Philippines and our relationship with the Philippine government.

Both the House and Senate versions of the ATPA would allow canned tuna from the Andean region to enter the United States duty-free, while maintaining the current tariff rates for all other countries. There are slight differences between the two versions: The House version allows all canned tuna imports from the Andean region to enter duty-free; the Senate version extends duty-free treatment to Andean tuna imports up to a cap equal to 20 percent of the preceding calendar year's domestic production excluding production in American Samoa. For the Philippines, however, the House and Senate versions have the same effect. Philippine tuna is sold generically; purchasers of this tuna are the most price-sensitive, and they would gravitate to the cheaper, duty-free product.

Loss of these sales would mean, effectively, the collapse of the tuna market. The major suppliers to the U.S. canned tuna market are just six countries: Thailand, 60 percent; the Philippines, 18 percent; Indonesia, 12 percent; Papua NG, 4 percent; Ecuador and Malaysia, 2 percent each. Of the six, Ecuador is the only one of the six that would benefit from the proposed trade preference, to the sharp detriment of the Philippines. The Philippine government estimates that the implementation of the ATPA preference would affect 24,000 workers directly, and another 150,000 indirectly.

Moreover, it is the economy of Mindanao, where the entire tuna-canning industry is located, that would be especially hard hit. It is on this southernmost island that the poverty level is acute and terrorist activity is concentrated; a number of civilians have been kidnapped or murdered there by Abu Sayef, an extremist Islamic group, and two Americans are currently being held there.

The ramifications of this legislation will almost certainly undercut the Philippine government's efforts in Mindanao. It will undercut U.S. efforts

as well, since the U.S. government through USAID has provided over \$20 million in fiscal year 2001 and fiscal year 2002 in ESF for economic development in Mindanao, and the fiscal year 2003 budget request includes a further \$20 million; ATPA would seriously compromise those investments.

It will of course be argued that the ATPA provision will strengthen the Andean economies and enable them better to resist terrorist encroachments. But our efforts to strengthen these economies should not come at the cost of making anti-terrorist efforts in the Philippines more difficult. Surely that is not the intent, but it could well be an unintentional but highly regrettable consequence of the legislation.

Given the likelihood of grave, harmful consequences for the Philippines, I urge my colleagues to work toward a constructive solution to the problem posed by the ATPA provision that would give duty-free entry to canned tuna from the Andean countries. I ask unanimous consent to have printed in the RECORD the discussion of this issue which appears in today's New York Times.

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

[From the New York Times via Dow Jones, May 21, 2002]

#### QUANDARY ON TRADE

(By Keith Bradsher)

GENERAL SANTOS CITY, THE PHILIPPINES, May 16, 2002—How should the United States set its tariffs and trade rules, globally or country-by-country?

It is no arid academic debate to the tuna fishermen of this knockabout port city on the south coast of Mindanao, nor to sugar cutters in the Caribbean or garment workers in Pakistan. Faraway changes in American fine print can have very real, sometimes unintended consequences.

A move in Congress to extend trade preferences to Andean nations, in part to help wean their economies off coca production, could lead to the layoff of thousands of Muslim workers in the tuna industry here, even as American troops help the Philippine army fight Abu Sayyaf Muslim insurgents in this region.

In Pakistan, officials have struggled to win a larger quota for textile shipments to the United States as a reward for Islamabad's help during the conflict in Afghanistan. And in the Caribbean, the emergence of any especially pro-American government brings a request for a larger quota to ship sugar to the high-priced, highly protected American market.

By returning to the pre-1922 practice of awarding preferential trade treatment to certain countries and regions, often for political rather than economic reasons, Washington now finds itself constantly badgered for trade concessions by whatever friendly nation is in the news at any given moment.

This is the problem that most 'favored nation' status was supposed to solve. When countries won that status—as nearly all of America's trading partners did in recent decades—they were assured that their exports would get the same tariff treatment as any other, and that generally, concessions awarded to one would be awarded to all.

After the ruinous bilateral trade competition in Europe in the 1930's, the United

States backed a global adoption of the same approach, leading in the decades after World War II to the international trade rules enshrined in the General Agreement on Tariffs and Trade and later to the creation of the World Trade Organization.

'The history of trade negotiations basically was that, because of the bilateral special deals that inevitably made other nations unhappy, we came around to most-favored-nation treatment and GATT negotiations,' said William Cline, a senior economist at the Institute for International Economics in Washington.

Up through the 1980's, most economists criticized regional trade agreements as just as bad as bilateral deals. Beyond making winners of some countries and losers of others, regional blocs can be bad for global efficiency, by prompting importers to favor a higher-cost producer within the bloc over a lower-cost producer outside whose goods are still subject to high tariffs and quotas.

Global trade agreements minimize such drawbacks, because these days very few countries remain outside them. But global treaties are becoming increasingly difficult to conclude. The last was wrapped up in Geneva in 1993; talks meant to produce the next one did not get under way until last November in Doha, Qatar, and are expected to take years.

But the regional free trade concept has become fashionable again, in great part because of the success of the European Union, which hugely increased trade among its 15 members by eliminating tariffs and trade barriers. It helped inspire the 1992 North American Free Trade Agreement—joining the United States, Canada and Mexico—as well as several other regional groupings.

One provision of the Nafta treaty helped set off the dispute now roiling American efforts to retain the support of the Philippines in the war on terrorism.

Among the tariffs to be eliminated within North America by the treaty is the American duty on canned tuna imported from Mexico. It will not disappear until 2008, and for the moment it means little because Mexico, well north of the equatorial waters where the best fishing grounds are found, has a tiny tuna industry. But tuna from other countries is subject to duty of up to 35 percent, creating a big incentive for Mexico to build up its tuna fleet, despite the high labor and fuel costs for the long journeys to where the tuna swim.

Several smaller Central American and Caribbean nations also have small tuna fleets; three years ago, Congress agreed to phase out tuna duties for them on the same timetable.

To the Andean nations of South America, these concessions posed a serious threat—that preferential access to the United States would soon make big new competitors out of Mexico and Central America. The United States had lowered tariffs on many products from Andean nations like Ecuador and Colombia in 1991, but canned tuna was not among them. When the 1991 concessions came up for renewal last year, the Andean nations, supported by Starkist, demanded that they be expanded to include canned tuna.

Ecuador has a huge tuna fishing fleet, and Colombia a smaller one; both countries are eager to create jobs that do not depend on narcotics trafficking. That persuaded the House of Representatives to approve a bill earlier this year that would immediately eliminate duty on Andean tuna.

A more limited bill that would phase out duty on about a third of current shipments is before the Senate as part of a broader trade bill. If it passes, differences between the provisions would be worked out in a conference of senators and representatives.

Now it is the Philippines' turn to feel threatened. Letting Ecuador and Colombia, but not the Philippines, ship tuna to the United States duty free would be both unfair and unwise, officials in Manila are warning, because of the hardship it would create in this poor, Muslim and sometimes rebellious part of the country, where terrorists are believed to be active. "We understand you want to do this because of narcotics," said Manuel A. Roxas II, the country's secretary of trade and industry, "but terrorism is just as important."

Washington has been on notice for some time that this kind of chain reaction of anger and demands for relief was likely to develop. An influential report by the United States Tariff Commission foresaw that special deals for some countries would "lead to claims from states outside the agreement which, if granted, defeat the purpose of the treaties, and which, if not granted, occasion the preferring of a charge of disloyalty to treaty obligations."

#### VOTE EXPLANATION

Mr. TORRICELLI. Mr. President, I inform the Senate that because of an unavoidable delay, I was unable to arrive in the Senate for a morning vote held on May 22, 2002. Had I been present, I would have voted as set forth below. My vote would not have affected the outcome.

On the motion to invoke cloture on the Baucus Substitute Amendment 3401 to H.R. 3009, the Andean Trade Act, I would have voted against cloture. The amendment on which the cloture vote occurred included Trade Promotion Authority, also known as Fast Track Authority, which I oppose because it fails to require strong, enforceable provisions regarding labor rights and environmental protection in future U.S. trade agreements.

#### 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 February 13, 1992 in Davenport, IA. Two gay men and two of their friends were beaten with baseball bats and metal pipes. The assailants, a group of six men and two women, yelled anti-gay slurs during the attack.

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.

## EAST TIMOR'S INDEPENDENCE

Mr. TORRICELLI. Mr. President, I would like to extend my warmest welcome to the newest democracy to join the family of nations. This week, after a long and arduous struggle, the nation of East Timor officially celebrated its independence from Indonesia.

This has been a long and hard fought process for the people of East Timor. For 300 years, they were a colony of Portugal. Then upon the end of colonial rule in 1975, and a brief period of independence, East Timor was annexed to Indonesia.

In August of 1999, the people of East Timor voted in favor of independence from Indonesia. This historic moment regrettably set off a tragic wave of violence that left much of the country in devastation. While the people of East Timor have come a great distance since that moment, there is still much rebuilding and healing to do.

In January of 2000, the United Nations International Commission of Inquiry into East Timor concluded that the terror, destruction and displacement of people that occurred would not have been possible without the involvement of the Indonesian military during August of 2002. During that same period, some 250,000 East Timorese fled to West Timor, while there are still 55,000 refugees who have not been repatriated.

For the people of East Timor to move forward and have positive relations with their Indonesian neighbors, it is vital that these findings be investigated and those who are found guilty of committing crimes against humanity be brought to justice. The Indonesian government has taken an important step in this matter by establishing an ad hoc Human Rights Court for East Timor, however, this court has its own short-comings. By limiting the scope of inquiries to atrocities alleged after the August referendum, it has effectively blocked the prosecution of high-level military officials who are believed to have masterminded the violence. Without the ability to investigate and bring to justice those involved in human rights abuses throughout East Timor's time as part of Indonesia, those who have suffered will be unable to move forward in their lives.

While we cannot forget the injustices of the past, this week is also a time to look forward. East Timor has the opportunity to build a vibrant and prosperous nation. The task of developing a thriving democracy is an ongoing process. It requires a respect for the rule of law and the ability to share differing opinions. I am confident that the people of East Timor will meet these challenges as they have the others before them; and they have taken a positive step by voting to sign the United Nations Declaration of Human Rights as their legislature's first act.

While many of these steps the people of East Timor must take for themselves, the United States and our fellow democracies will still play a vital

role in the hopes of East Timorese. Given the level of destruction, it is important that the United States and other nations continue foreign aid in an effort to enable the East Timorese to provide vital services such as education, shelter, and healthcare to their people. Also, the established democracies of the world can provide valuable insight into the running of democratic institutions as the government of East Timor undertakes the responsibilities of full sovereignty. These and other forms of aid will play a vital role in the ability of East Timor to mature as an established nation.

Lastly, this momentous occasion would not have been possible without the perseverance of the people of East Timor and supportive non-governmental organizations such as the East Timor Action Network, and I commend them on their efforts. The people of East Timor have endured much to gain their freedom, and I wish them the best in their newfound independence.

## PARKINSON'S DISEASE

Mr. HARKIN. Mr. President, today I chaired a hearing on Parkinson's Disease in the Labor, Health and Human Services and Education Appropriations Subcommittee. I was profoundly touched by the victims of this disease who came to testify and by the many, many victims, families and advocates who came to Washington to put a human face on this horrible disease. As a Congress, we can't take the time to listen to every story but I ask unanimous consent that one little girl's story be printed in the RECORD.

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

## LETTER FROM MAYA FIELDER

My name is Maya Fielder and I am 9 years old. I live in Palo Alto, California and I am in the 4th grade at Escondido School.

When I was a little baby my Mom found out she had Parkinson's Disease. I was with my Mom, but I don't really remember when the doctor told her she had a bad disease that gets worse and worse and doesn't have a cure. I know that now there are lots of things I can't do with my Mom and sometimes I feel like I have to take care her instead of her taking care of me.

I learned that Parkinson's Disease is when your brain doesn't produce enough dopamine. Dopamine is important because it tells your body how to move. My Mom's body tremors and she can't write things down or if she does no on can read it, not even her. She gets disabled to walk so she rides my scooter around the house (I'm not allowed to ride in the house though). And sometimes she can't even walk until her medicine starts working so my Dad and I get things for her. She takes tons of pills every day but the medicine or the disease causes more problems for her so my Mom tries new medicines and different things a lot to try to get better.

Our whole family works hard to help find a cure for Parkinson's. My mom talks about Parkinson's to the newspapers or on the news whenever she can and sometimes my name or picture is shown too! We had a charity art show at our house and Uncle Dan's

art raised a lot of money. I even sold a painting and all the money went to Parkinson's research. My mom said that if researchers got enough money from Congress and from regular people that scientists could find a cure in 5 or 10 years. That would be good because I won't be a grown-up yet and my Mom will get better and we could go iceskating together.

But now we have a big problem. I heard President Bush say that all cloning research has to stop. My Mom was really upset because she said the President and some people in Congress want to stop researchers from finding a cure for Parkinson's and lots of other diseases that make millions of people sick. I don't get it.

One part of the Pledge of Allegiance says "Liberty and Justice for all". I don't think the government is giving us much liberty or justice—at all!

People are scared of the kind of cloning that would make new people (reproductive cloning). But what's so scary about finding a cure for my Mom? That kind of cloning is called therapeutic cloning and doesn't make people or kittens or anything like that—it would just help my Mom's brain work again like it is supposed to.

I think that the people who make the laws should make rules so scientists won't do bad things with research. But can't they still be allowed to do the good research? My mom said the Brownback bill that is being voted on Congress soon wouldn't allow scientists to do the good kind of research that would help her. She also said that this law wants to put people like her in jail if they try to get cured. That's just dumb! My Mom isn't doing anything wrong by just trying to get well.

I thought I might want to be a scientist when I grow up but I don't think so any more. I just want to find a cure for my Mom. I guess I'll become the President of the United States so that I can make good laws that help people and cure diseases. I'll let scientists do their work and make all kinds of new discoveries.

I know that this isn't the most important thing for everyone. But I think that if someone in your family was sick and you were worried, that you would do everything you could to help them get better. You wouldn't make laws so that a cure would not be found and you wouldn't put them in jail.

Please help find a cure for my Mom and everyone else that needs one instead of making it harder. I'm doing as much as I can do to help my Mom and other people too (when I'm not in school or doing sports or playing violin, but Mommy says that helps her too). This is really important to a lot of people. Thank you.

## ADDITIONAL STATEMENTS

## TRIBUTE TO DIANE CALLAWAY

• Mr. BIDEN. Mr. President, I am pleased to note for the record this morning the election of a proven leader in my State to serve in national office.

Diane J. Callaway has worked in the Seaford School District in Delaware for 28 years. In the course of her career, Mrs. Callaway has been active in professional associations at the local, state and national level, serving in virtually every leadership position, both elected and appointed. It came as no surprise to anyone, when Diane Callaway received Delaware's first Educational Office Professional of the Year award.

In 1990, Mrs. Callaway earned a Professional Standards Program certificate and distinction as a Certified Educational Office Employee, CEOE, from the National Association of Educational Office Professionals. She served for four years as the NAEOP's Mid-Atlantic Area Director, and currently serves on the Association's Board of Directors Executive Committee. Mrs. Callaway has been elected to serve as President of the NAEOP for 2002-2003.

Needless to say, we in Delaware are very proud of Diane Callaway proud of her success, proud of the prominent role she is playing at the national level, and most of all, proud of her tremendous contribution to the quality of our schools. We congratulate her on her election, and we thank her for her service to us all.●

#### THE LEGACY OF FLOYD BOLDRIDGE

● Mr. BROWNBACK. Mr. President, today, I rise to recognize the legacy of a true Kansan, Floyd Boldridge. Mr. Boldridge was a life-long farmer and family man. During his life, he was loved by not only his family but by the community of Atchison, Kansas as well. During his funeral, La Rochelle Young, of my staff read a tribute to her uncle, Floyd Boldridge. As we prepare to honor our loved ones during the upcoming Memorial Day holiday, I think it is a fitting tribute to Mr. Boldridge to enter his tribute into the record of the United States Senate. I join with La Rochelle and Mr. Boldridge's ten children, Gloria Wallingford, Virginia Carol Harvey, Shirley Gooch, Betty King, Thelma Hibler, Leonard Boldridge, Dennis Boldridge, Brenda Nettles, Annette Boldridge and Eric Harvey.

I ask that Mr. Boldridge's tribute be printed in the RECORD.

The tribute follows:

#### THE LEGACY OF FLOYD BOLDRIDGE

(By La Rochelle Murray, Niece of Floyd Boldridge)

January 31, 2000

A legacy of love, of family, of commitment and of integrity can be said of the man who many called father, grandfather, uncle, cousin, brother, friend, bull and baby boy. Floyd Boldridge was the youngest of six rambunctious boys. And as the "baby" of the family, he was loved, protected and cherished in many ways. In fact, one of the brothers' favorite past times was bouncing "baby boy" on the bed and then lovingly watch him bounce off onto the floor. Perhaps, this is where Uncle Floyd developed his sparkling personality, his infectious laughter that could penetrate any person or situation, and the indescribable bond between his brothers and his fierce commitment to his family and friends.

As a young man, Uncle Floyd grew up in a spiritual family that not only took pride in the teachings of Christ, honesty and hard work but also took extreme pride in the Boldridge name as well. This was shown throughout Uncle Floyd's life. Like most large families, each son possessed a special gift—one that was different from the other

brothers. However, instead of dwelling on the others' gift, each brother nurtured and cultivated his gift in order to combine their gifts with one another and sustain themselves.

During an interview, Uncle Floyd was once asked about his thoughts concerning The Great Depression. His response was simplistic yet profound. He said that he did not recall feeling the effects of the depression because he and his brothers never wanted for anything. They pooled their resources together, which allowed them to be self-sufficient and continued living comfortably during one of the darkest times in our nation's history. This lesson and the many other lessons that he learned from his brothers was what sculpted him into the energetic, fiercely loyal, loving man that his children—and all of us because to Uncle Floyd, we were all his family—remember today.

During the early years of Uncle Floyd's life, his passion and zeal for life was transferred to his ever-growing family. Everyone who knew Uncle Floyd knew that he was very proud of his children. His love for his family surpassed everything in his life and will continue to live on in the lives of his children and grandchildren. There were many facets to Uncle Floyd's life but none compared to the love of his children.

For example, when his daughter, Tammy, brought her husband, Don, to meet her father for the first time, Uncle Floyd positioned himself so that his five foot seven inch frame was on a hill and Don, who is six feet three inches tall, was on a flat portion of land. Once this was achieved, Don was eye level with Uncle Floyd. It wasn't until later that Don realized what had happened because he was so intimidated by Tammy's father.

Uncle Floyd also had a passion for peace and happiness between everyone. He was never one to cause conflict or allow conflict to be in his presence. He had a vivacious personality that allowed him to realize that life was a series of challenges and having a negative or defeatist attitude would only make one's life miserable. Instead, he choose to look to God first for understanding and then actively engage in positive actions.

Although Uncle Floyd was a peaceful and loving man, he was also known for his enormous strength, which earned him the nickname "Bull." And like Sampson, everyone who tried to overpower him received an often surprising and sometimes painful result. For example, one of my Uncle Floyd's nephews, Marvin, decided to test his uncle's strength at work. Marvin made the bad decision to grab Uncle Floyd's arms. Not only did Marvin say that grabbing Uncle Floyd was like grabbing a hunk of steel, but remembers being turned upside down in the process. All Marvin recalls of that moment was his father yelling, "Don't kill him Bull!!!"

My father, Walter D. Murray, also remembers his first introduction to Uncle Floyd. He had heard many stories regarding Uncle Floyd's strength and thought that he would show him what strength really was. So, when he shook Uncle Floyd's hand, he squeezed with all of his strength and found that not only did Uncle Floyd match his strength but surpassed his strength so much so that after almost falling to his knees, he had to ask Uncle Floyd to release his hand.

Indeed Uncle Floyd loved life and lived his life to the fullest and in doing so blessed our lives immeasurably. So what can be said of his legacy? Uncle Floyd left us with a profound legacy of love for God, his Son, Jesus Christ and the Holy Spirit, peace among ourselves and love for our fellow human. Like Christ, Uncle Floyd believed in treating others as we would treat ourselves. That is why he cherished his trips to the Holy Land.

Uncle Floyd loved to share every aspect of his trips to the Holy Land including Jerusalem and Bethlehem. It was on one of these trips that he turned to his daughter, Betty, and said, "I am seeing with these eyes what my father read to me from the Bible many years ago."

Uncle Floyd was a steadfast, deeply religious man who loved Christ and the Church. In fact many nights, Uncle Floyd could be found in the kitchen of Campbell Chapel African Methodist Episcopal Church, where he was a life-long faithful member, cooking his famous cabbage or my personal favorite, fried corn. And many of Uncle Floyd's friends will remember the dinners he would fix after a hunting trip or even if they just chose to drop in and visit him at his home.

Uncle Floyd also left us with the legacy of the Port William Bridge. Uncle Floyd, along with his many friends, worked tirelessly on achieving the dedication of this historic bridge. Uncle Floyd knew the importance of remembering the past in order to bridge a pathway to the future. That is the reason I brought my fiancé, Adrian K. Young, Jr., to meet Uncle Floyd in order to gain his approval. And Eric remembers when he was about to embark on his career as a professional soccer player that uncle Floyd said to him, "You've now got your foot in the door—don't let that door close." Eric now uses this premise when he is coaching his soccer team.

So we thank you Uncle Floyd for your gift of laughter, your loving manner in which you made everyone especially your children feel loved and appreciated, your dynamic and often times animated personality, and your legacy of love and peace. We will always love you and forever cherish the time we spent with you.●

#### DEATH OF STEVEN PATRICK LOVATO

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to the life of Steven Patrick Lovato, an Emergency Medical Technician who was killed in the line of duty while responding to a 911 call on March 16, 2002 in his hometown of Roswell, NM.

Steve received his initial EMT training in Las Cruces, NM and then joined the American Medical Response team in Roswell in 1998. During the course of his service in Roswell, he was a company safety officer and driving instructor. Last year he was awarded AMR's Vision and Guiding Principles Award for his responsiveness to patients. He was also recently selected as a company mentor to help teach and develop other EMT's.

Steve was known for his passion for emergency medicine and his unselfish desire to help others. He often commented about how much he loved going to work and serving his community. Steve is survived by his wife Josephine, his ten-year-old son Alex, and his parents, Lawrence and Rosie Lovato, all of Roswell. I would like to extend my condolences to Steve's family. Steve's sacrifice is the ultimate sacrifice, and his family's as well, and we join with them in mourning his death.●

#### COMMENDING OKLAHOMA STUDENTS

● Mr. INHOFE. Mr. President, I would like to briefly comment on an exceptional group of students from my State

of Oklahoma. Recently, a group of students from Tahlequah High School in Tahlequah, OK, participated in the national finals of "We The People . . . The Citizens and the Constitution." These students traveled here to Washington, DC for the final competition after excelling in the preliminary stages.

This contest is held for students who have a remarkable knowledge of American history. The group includes Chris Augerhole, J.R. Baker, Chad Blish, Ryan Cannonie, Taylor Gibson, Carlton Heard, Cobin Heard, Zach Israel, Doug Kirk, Helena Loose, Lacie Newman, Tim Pace, Rebecca Walker, Derek Whaler, Brandon Zellner and their teacher Norma Boren.

These young Oklahomans demonstrated their ability to articulate the ideals of American government while taking part in a simulated congressional hearing.

I commend these students for their outstanding achievement.●

#### IN RECOGNITION OF HADASSAH'S 90TH ANNIVERSARY

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Hadassah, the Women's Zionist Organization of America as they celebrate their 90th anniversary. Hadassah is a non-profit volunteer women's organization dedicated to health care, education, and advocacy. Originally created to bring modern health care to the sick and suffering inhabitants of Palestine, Hadassah has grown into a thriving international organization actively engaged in issues that affect the health and livelihood of Jewish people throughout the United States and Israel.

Founded in 1912, Hadassah retains the passion and timeless values of its founder, Henrietta Szold, Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal.

In Israel, the Hadassah Medical Organization, HMO, runs two hospitals, five schools, outpatient clinics, research facilities, and a community health center. With support from over 300,000 Hadassah members worldwide, HMO offers expert treatment and tender care to more than half a million people in Israel each year.

In the United States, Hadassah enhances the quality of American and Jewish life through its education and Zionist youth programs. It promotes health awareness and provides personal enrichment and growth for its members.

In a year long celebration, Hadassah will commemorate its 90 years of service. To mark this occasion, I would like to applaud Hadassah and its members for their efforts to improve the lives of all the people they serve.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 486. An act for the relief of Barbara Makuch.

H.R. 487. An act for the relief of Eugene Makuch.

H.R. 1877. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

H.R. 4231. An act to improve small business advocacy, and for other purposes.

H.R. 4514. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes.

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel."

H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit.

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 2002.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor.

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 486. An act for the relief of Barbara Makuch; to the Committee on the Judiciary.

H.R. 487. An act for the relief of Eugene Makuch; to the Committee on the Judiciary.

H.R. 1877. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on Foreign Relations.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4514. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.



The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor; to the Committee on Foreign Relations.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2538. A bill to amend the Fair Labor Standards act of 1938 to provide for an increase in the Federal minimum wage.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7182. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Electronic Activities" (RIN1557-AB76) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7183. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Customs Regulations: Reusable Shipping Devices Arriving from Canada and Mexico" (TD 02-28) received on May 22, 2002; to the Committee on Finance.

EC-7184. A communication from the Regulatory Specialist, Executive Secretariat, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Trust Management Reform: Probate of Indian Trust Estates" (RIN1090-AA79) received on May 22, 2002; to the Committee on Indian Affairs.

EC-7185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (OK-029-FOR) received on May 22, 2002; to the Committee on Energy and Natural Resources.

EC-7186. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2002; to the Committee on Governmental Affairs.

EC-7187. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Board's Annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-7188. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL7178-6) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7189. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerance Exemptions for Polymers" (FRL6834-2) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerances Exemptions for Minimal Risk Active and Inert Ingredients" (FRL6834-8) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7191. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement with Taiwan; to the Committee on Foreign Relations.

EC-7192. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-7193. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Sweden and South Africa; to the Committee on Foreign Relations.

EC-7194. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7195. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7196. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Infrastructure Grants to Implement the Long Island Sound Comprehensive Conservation and Management Plan" received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7197. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District, and Ventura County Air Pollution Control District" (FRL7201-6) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7198. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption for Motorcycles" (FRL7214-3) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7199. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing" (FRL7214-7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7200. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215-8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7201. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standard for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215-7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7202. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing" (FRL7214-8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7203. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting" (FRL7214-9) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7204. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Site-Specific Treatment Variance to Chemical Waste Management, Inc." (FRL7217-4) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7205. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitation Guidelines and New Source Performance Standards for the Construction and Development Category; Proposed Rule" (FRL7217-1) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7206. A communication from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting, pursuant to law, the Capitol Preservation Fund's Fiscal Years 2001 and 2002 Financial Statements; to the Committee on Rules and Administration.

EC-7207. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Federal Deposit Insurance Corporation Funds' 2001 and 2000 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-7208. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Securities Exchange Act of 1934 Rule 6h-1; Cash Settlement and Regulatory Halt Requirements for Security Futures Products" (RIN3235-AI24) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 361: A bill to establish age limitations for airmen. (Rept. No. 107-154).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 2551: An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning Col. Thomas S. Bailey, Jr. and ending Col. David G. Young III, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2002.

Navy nomination of Capt. Thomas L. Andrews III.

Army nominations beginning Col. Michael A. Dunn and ending Col. Eric B. Schoomaker, which nominations were received by the Senate and appeared in the Congressional Record on April 22, 2002.

Army nominations beginning Brigadier General Alan D. Bell and ending Colonel James L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nominations beginning Garry F. Atkins and ending Daryl L. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2001.

Army nominations beginning Michael T. Bradford and ending Richard R. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Army nominations beginning Shain Bobbitt and ending Barbara Lockbaum, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nomination of Michael J. Colburn.

Marine Corps nomination of William P. McClane.

Marine Corps nominations beginning Neil G. Anderson and ending Wesley L. Woolf, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nominations beginning John F. Ahern and ending Larry E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Navy nomination of James E. Russell.

Navy nomination of Lydia R. Robertson.

Air Force nomination of Donald W. Pitts.

Marine Corps nomination of Wade V. Deliberto.

Navy nomination of Marc J. Glorioso.

Navy nominations beginning Jack S. Pierce and ending Thomas B. Webber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2002.

Army nomination of Christian E. DeGraff.

Army nomination of Ches H. Garner.

Army nomination of David S. Oeschger.

Marine Corps nominations beginning John J. Jackson and ending Richard L. West, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2002.

Marine Corps nomination of Mark D. Tobin.

Marine Corps nomination of Robert T. Maxey.

Marine Corps nomination of Charles G. Grow.

Army nominations beginning Mark C. Dugger and ending James E. Mountain, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning David L. Comfort and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Joseph R. Boehm and ending Gabriel J. Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Michael P. Danhires and ending Charles E. Parham, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Anthony M. Brooker and ending Jesse Mcrae, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Stefan Grabas and ending Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Alonzo H. Mays and ending John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Jody D. Paulson and ending Ellen P. Tippet, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Deborah A. Pereira and ending Joyce V. Woods, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Navy nomination of Gregory K. Copeland.

Navy nomination of Stephen G. Krawczyk.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Robert R. Riggsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency for a term of six years.

\*Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BYRD, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUE, Mr. JEFFORDS, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 2538. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2540. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2541. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 2542. A bill to amend title XVIII of the Social Security Act to establish a medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2543. A bill to extend the temporary suspension of duty on Pigment Red 208; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI):

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. WELLSTONE, Mr. ENZI, and Mr. KENNEDY):

S. 2549. A bill to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD:

S. 2551. An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 274. A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Con. Res. 116. A concurrent resolution to express the sense of the Congress regarding dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 677

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 786

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 966

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1156

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1156, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1339

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1339, supra.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to

provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1678

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1742

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1742, a bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

S. 1767

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1924

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1967

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision

services under part B of the medicare program.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2213

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2329

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2329, a bill to improve seaport security.

S. 2488

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2488, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2529

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2529, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 2534

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2534, a bill to reduce crime and prevent terrorism at America's seaports.

S. 2537

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2537, a bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will

be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 258, a resolution urging Saudi Arabia to dissolve its "martyrs" fund and to refuse to support terrorism in any way.

S. CON. RES. 105

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution expressing the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers as to why they should stop and think about the negative consequences before engaging in premature sexual activity.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. CON. RES. 115

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 115, a concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENT NO. 3420

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3420 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3447

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, *supra*.

AMENDMENT NO. 3448

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3448 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3449

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3449 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3452

At the request of Mr. BYRD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3452 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3500

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3500 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3503

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3503 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3504

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-sponsor of amendment No. 3504 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am introducing legislation to prohibit the use of taxpayer funds to advocate a position on the meaning of the Second Amendment that is inconsistent with existing Supreme Court precedent, as expressed in the Supreme Court case of *United States v. Miller*.

This legislation responds to the Bush Administration's recent filing of two unprecedented briefs to the United States Supreme Court, which argued that the Second Amendment establishes an individual right to possess firearms. In taking this position, the Justice Department directly contradicted the well-established precedents of the Supreme Court, as expressed in the seminal case of *United States v. Miller*. In that 1939 case, the Supreme Court found that the Second Amendment did not establish a private right of individuals to possess firearms, but rather was intended to ensure the effectiveness of groups of citizen-soldiers known at the time as the Militia.

The Court in *United States v. Miller* explained the historical background to the Second Amendment and issued its ruling clearly and unambiguously. That ruling has never been reversed, and the Court has followed it in every subsequent related case. Similarly, the precedent in *United States v. Miller* has been followed by every Justice Department over the past several decades, including the Justice Departments of Presidents Ronald Reagan, Richard Nixon and George H.W. Bush.

The meaning of the Second Amendment should not be a partisan issue. In fact, it should not be a political issue. It is a legal and constitutional issue. And the law on this question has been clearly established by the highest court in the land in case after case for a period of many decades.

Unfortunately, instead of following the law, as Attorney General promised to do during his confirmation hearing, the Bush Administration and the Justice Department have used their authority to file briefs as a means of pursuing a partisan political agenda that flies in the face of established Supreme Court precedents. This is wrong. And,

in my view, it is a misuse of taxpayer dollars.

Congress should not have to pass a law to ensure that the Executive Branch follows the Constitution, as clearly interpreted by the Supreme Court. Unfortunately, in light of the Bush's Administration's latest actions, Congress must step in. After all, Congress's ultimate power is the power of the purse. And we have a responsibility to use that power, when necessary, to ensure that the Executive Branch complies with constitutional law.

This responsibility flows from Congress's obligation to preserve, protect and defend the Constitution. It also flows from our obligation to ensure that taxpayer dollars are not misused. The American people should not be forced to pay taxes to support an unreasonable interpretation of the Second Amendment that is not only inconsistent with constitutional law, but that threatens to undermine legislation needed to reduce gun violence and to save lives.

In 1998, more than 30,000 Americans died from firearm-related deaths. That is almost as many as the number of Americans who died in the entire Korean War. In my view, there is much that Congress needs to do to reduce these deaths, including enacting reasonable gun safety legislation. Yet if the Bush Administration prevails in its effort to radically revise the Second Amendment, such laws could well be undermined. The end result would be more death and more families losing loved ones to the scourge of gun violence.

In fact, I would note that one week after the Bush Administration filed their briefs, lawyers for accused American Taliban terrorist John Walker Lindh used the Administration's arguments to urge dismissal of the gun charge filed against him. Now, I hope and trust that the courts will quickly reject this line of argument. But why would the Bush Administration want to strengthen the position of criminals and alleged terrorists like John Walker Lindh in the first place?

I have asked the Congressional Research Service whether there are any constitutional precedents that would bar the Congress from adopting this legislation, and the answer was "no." I also would note that there is precedent for Congress prohibiting the use of taxpayer dollars to advocate positions with which Congress disagrees. For example, Congress for many years prohibited the Justice Department from using appropriated money to overturn certain rules under our antitrust laws. This responded to the filing of a brief in the Supreme Court by the Justice Department urging a revision of its precedents on resale price maintenance, and the legislation effectively blocked the Department from filing similar briefs.

In conclusion, we should not allow taxpayer dollars to be used to mis-

represent the meaning of the Second Amendment on behalf of a partisan, political agenda. We should defend the Constitution against such ideological attacks. We should protect taxpayers from being forced to subsidize ideological gambits. And we should ensure that the Constitution is not misused to undermine gun safety legislation that could save the lives of many innocent Americans.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD, along with some related materials about this matter.

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

S. 2539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PROHIBITION ON THE USE OF FUNDS.

No funds appropriated to the Department of Justice or any other agency may be used to file any brief or to otherwise advocate before any judicial or administrative body any position with respect to the meaning of the Second Amendment to the Constitution that is inconsistent with existing Supreme Court precedent, as expressed in *United States v. Miller* (307 U.S. 174 (1939)).

[From the New York Times, May 12, 2002]

#### A FAULTY RETHINKING OF THE 2ND AMENDMENT

(By Jack Rakove)

STANFORD, CA.—The Bush administration has found a constitutional right it wants to expand. Attorney General John D. Ashcroft attracted only mild interest a year ago when he told the National Rifle Association, "The text and original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms."

Now, briefs just filed by Solicitor General Theodore Olson in two cases currently being appealed to the Supreme Court indicate that Mr. Ashcroft's personnel opinion has become that of the United States government. This posture represents an astonishing challenge to the long-settled doctrine that the right to bear arms protected by the Second Amendment is closely tied to membership in the militia. It is no secret that controversy about the meaning of the amendment has escalated in recent years. As evidence grew that a significant portion of the American electorate favored the regulation of firearms, the N.R.A. and its allies insisted ever more vehemently that the private right to possess arms is a constitutional absolute. This opinion, once seen as marginal, has become an article of faith on the right, and Republican politicians have in turn had to acknowledge its force.

The two cases under appeal do not offer an ideal test of the administration's new views. One concerns a man charged with violating a federal statute prohibiting individuals under domestic violence restraining orders from carrying guns; the other involves a man convicted of owning machine guns, which is illegal under federal law. In both cases, the defendants cite the Second Amendment as protecting their right to have the firearms. The unsavory facts may explain why Mr. Olson is using these cases as vehicles to announce the administration's constitutional position while urging the Supreme Court not to accept the appeals.

The court last examined this issue in 1939 in *United States v. Miller*. There it held that

the Second Amendment was designed to ensure the effectiveness of the militia, not to guarantee a private right to possess firearms. The Miller case, though it did not fully explore the entire constitutional history, has guided the government's position on firearm issues for the past six decades.

If the court were to take up the two cases on appeal, it is far from clear that the Justice Department's new position would prevail. The plain text of the Second Amendment—"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"—does not support the unequivocal view that Mr. Ashcroft and Mr. Olson have put forth. The amendment refers to the right of the people, rather than the individual person of the Fifth Amendment. And the phrase "keep and bear arms" is, as most commentators note, a military reference.

Nor do the debates surrounding the adoption of the amendment support the idea that the framers were thinking of an individual right to own arms. The relevant proposals offered by the state ratification conventions of 1787-88 all dealt with the need to preserve the militia as an alternative to a standing army. The only recorded discussion of the amendment in the House of Representatives concerned whether religious dissenters should be compelled to serve in the militia. And in 1789, the Senate deleted one clause explicitly defining the militia as "composed of the body of the people." In excising this phrase, the Senate gave "militia" a narrower meaning than it otherwise had, thereby making the Ashcroft interpretation harder to sustain.

Advocates of the individual right respond to these objections in three ways.

They argue, first that when Americans used the word militia, they ordinarily meant the entire adult male population capable of bearing arms. But Article I of the Constitution defines the militia as an institution under the joint regulation of the national and state governments, and the debates of 1787-89 do not demonstrate that the framers believed that the militia should forever be synonymous with the entire population.

A second argument revolves around the definition of "the people." Those on the N.R.A. side believe "the people" means "all persons." But in Article I we also read that the people will elect the House of Representatives—and the determination of who can vote will be left to state law, in just the way that militia service would remain subject to Congressional and state regulation.

The third argument addresses the critical phrase deleted in the Senate. Rather than concede that the Senate knew what it was doing, these commentators contend that the deletion was more a matter of careless editing.

This argument is faulty because legal interpretation generally assumes that lawmakers act with clear purpose. More important, the Senate that made this critical deletion was dominated by Federalists who were skeptical of the militia's performance during the Revolutionary War and opposed to the idea that the future of American defense lay with the militia rather than a regular army. They had sound reasons not to commit the national government to supporting a mass militia, and thus to prefer a phrasing implying that the militia need not embrace the entire adult male population if Congress had good reason to require otherwise. The evidence of text and history makes it very hard to argue for an expansive individual right to keep arms.

There is one striking curiosity to the Bush administration's advancing its position at this time. Advocates of the individual-right

interpretation typically argue that an armed populace is the best defense against the tyranny of our own government. And yet the Bush administration seems quite willing to compromise essential civil liberties in the name of security. It is sobering to think that the constitutional right the administration values so highly is the right to bear arms, that peculiar product of an obsolete debate over the danger of standing armies—and this at a time when our standing army is the most powerful the world has known.

[From the Washington Post, May 10, 2002]

#### GUNS AND JUSTICE

The U.S. Solicitor General has a duty to defend acts of Congress before the Supreme Court. This week, Solicitor General Ted Olson—and by extension his bosses, Attorney General John Ashcroft and President Bush—took a position regarding guns that will undermine that mission.

Historically, the Justice Department has adopted a narrow reading of the Constitution's Second Amendment, which states that "a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Along with nearly all courts in the past century, it has read that as protecting only the public's collective right to bear arms in the context of militia service. Now the administration has reversed this view. In a pair of appeals, Mr. Olson contends that "the Second Amendment more broadly protects the rights of individuals, including persons who are not members of any militia . . . to possess and bear their own firearms." Mr. Ashcroft insists the department remains prepared to defend all federal gun laws. Having given away its strongest argument, however, it will be doing so with its hands tied behind its back.

Laws will now be defended not as presumptively valid but as narrow exceptions to a broad constitutional right—one subject, as Mr. Olson put it, only to "reasonable restrictions designed to prevent possession by unfit persons or to restrict the possession of types of firearms that are particularly suited to criminal misuse." This may sound like a common-sense balancing act. But where exactly does the Second Amendment, if it guarantees individual rights, permit "reasonable restrictions"? And where does its protection exempt firearms that might be well suited for crime?

Mr. Ashcroft has compared the gun ownership right with the First Amendment's protection of speech—which can be limited only in a fashion narrowly tailored to accomplish compelling state interests. If that's the model, most federal gun laws would sooner or later fall. After all, it would not be constitutional to subject someone to a background check before permitting him to worship or to make a political speech. If gun ownership is truly a parallel right, why would the Brady background check be constitutional?

The Justice Department traditionally errs on the other side—arguing for constitutional interpretations that increase congressional flexibility and law enforcement policy options. The great weight of judicial precedent holds that there is no fundamental individual right to own a gun. Staking out a contrary position may help ingratiate the Bush administration to the gun lobby. But it greatly disserves the interests of the United States.

[From the New York Times, May 14, 2002]

#### AN OMINOUS REVERSAL ON GUN RIGHTS

Using a footnote in a set of Supreme Court briefs, Attorney General John Ashcroft announced a radical shift last week in six dec-

ades of government policy toward the rights of Americans to own guns. Burying the change in fine print cannot disguise the ominous implications for law enforcement or Mr. Ashcroft's betrayal of his public duty.

The footnote declares that, contrary to longstanding and bipartisan interpretation of the Second Amendment, the Constitution "broadly protects the rights of individuals" to own firearms. This view and the accompanying legal standard Mr. Ashcroft has suggested—equating gun ownership with core free speech rights—could make it extremely difficult for the government to regulate firearms, as it has done for decades. That position comports with Mr. Ashcroft's long-held personal opinion, which he expressed a year ago in a letter to his close allies at the National Rifle Association. But it is a position at odds with both history and the Constitution's text. As the Supreme Court correctly concluded in a 1939 decision that remains the key legal precedent on the subject, the Second Amendment protects only those rights that have "some reasonable relationship to the preservation of efficiency of a well-regulated militia." By not viewing the amendment as a basic, individual right, this decision left room for broad gun ownership regulation. The footnote is also at odds with Mr. Ashcroft's pledge at his confirmation hearing that his personal ideology would not drive Justice Department legal policies.

It is hard to take seriously Mr. Ashcroft's assertion that the Bush administration remains committed to the vigorous defense and enforcement of all federal gun laws. Mr. Ashcroft, after all, is an official whose devotion to the gun lobby extends to granting its request to immediately destroy records of gun purchases amassed in the process of conducting Brady law background checks even though they might be useful for tracking weapons purchases by suspected terrorists.

The immediate effect of the Bush Justice Department's expansive reading of the Second Amendment is to undermine law enforcement by calling into question valuable state and federal gun restrictions on the books, and by handing dangerous criminals a potent new weapon for challenging their convictions. What it all adds up to is a gift to pro-gun extremists, and a shabby deal for everyone else.

By Mr. DOMENICI:

S. 2540. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DOMENICI. Mr. President, today I rise to bring the Senate's attention to a matter that is slowing Los Alamos County, NM, in its efforts to fully recover from the Cerro Grande Fire of May 10, 2000.

It is an amazing irony to me that Los Alamos National Laboratory, in recent years facing declines in personnel, is again in the national news for its ability to help with counter-terrorism on many fronts. Along with this national attention and the needs of our Homeland Security Agency for advanced scientific means to detect and deter nuclear and biological attacks, LANL is now in the process of filling about 1,000 new positions.

The irony is that the Cerro Grande fire severely reduced available housing in Los Alamos two years before our Nation turns once again to Los Alamos for its scientific talents. A major deterrent to new hires is the lack of housing



choices in Los Alamos. The housing market is even tighter because of the loss of about 400 housing units through the devastating Cerro Grande Fire. Los Alamos has a population of about 18,000 people.

While we have Federal programs to help low and moderate income Americans find good housing, in Los Alamos these programs are ineffective due to the current practice of averaging Los Alamos County and Santa Fe County incomes into one Metropolitan Statistical Area, MSA. This is harmful to Los Alamos residents, where the median income is about \$82,000 because the Federal programs use the MSA median income of about \$65,000 to determine participation. Eighty percent of median income is a standard measure.

Santa Fe's median income of about \$40,000 thus becomes a significant factor for a Los Alamos teacher, fireman, or policeman seeking subsidized Federal assistance. Their incomes in Los Alamos are deemed to be too high to qualify for housing because 80 percent of \$65,000 is used as the maximum allowed for assistance. Thus, \$52,000 becomes the effective ceiling for assistance, when the actual 80 percent ceiling figure for Los Alamos incomes is about \$65,000. This makes a huge difference in a high-priced and competitive market. The result is that developers are discouraged from applying for tax credits and other assistance programs because their applicants do not qualify to live in their new or remodeled housing projects.

The Los Alamos County Manager reports that not a single County employee is eligible for housing created by the Low Income Housing Tax Credits. He, like many residents and the LANL recruiting effort, remain concerned that the limited housing supply has raised rents and sales prices. Los Alamos County is also landlocked by Federal government land ownership.

There is a desperate need for affordable housing at a time when, once again, our nation is calling upon LANL for helping to meet its internal and international security needs.

This situation also exists around the New York City area, where Westchester County incomes unfairly raise the metropolitan average to the detriment of the metropolitan housing market. In that case, Congress agreed to separate Westchester County to ease the housing market situation. All I am asking in my bill is to accomplish the same goal by allowing Los Alamos County to stand on its own in terms of HUD median income requirements. My bill does not simultaneously lower the Santa Fe County income to its actual median, but, rather, allows Santa Fe County to continue to use the higher median, because the Santa Fe housing market is also very unusual, and the two-county average helps make more Santa Fe residents eligible for Federal assistance on many fronts.

I appreciate my colleagues attention to this matter, and I know the resi-

dents of Los Alamos County will be grateful for this assistance to allow more of them to make use of available HUD and other affordable housing assistance programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2540

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LOW-INCOME FAMILIES DEFINITION.**

Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) by inserting “and for Los Alamos County in the State of New Mexico,” after “State of New York,”;

(2) by inserting “, Los Alamos,” after “does not include Westchester”;

(3) by inserting “; Los Alamos,” after “portion included Westchester”; and

(4) by inserting before the period at the end the following: “; and Los Alamos County, New Mexico, in the Santa Fe metropolitan area”.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2541. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN, Mr. President, I rise to introduce the Identity Theft Penalty Enhancement Act of 2002 along with my colleagues Senators KYL, SESSIONS, and GRASSLEY.

This bill is the culmination of efforts by the Department of Justice to craft legislation that will crack down on the most serious identity thefts in the Nation, and I am pleased to be working with the Justice Department on this legislation. In fact, Attorney General Ashcroft and I announced this bill together earlier this month.

This legislation will make it easier for prosecutors to target those identity thieves who, as is so often the case, steal an identity for the purpose of committing one or more other crimes.

Many serious crimes, even including terrorism, are aided by stolen identities.

For instance, According to a January article in the Baltimore Sun, “six of the 19 hijackers from September 11 were using Social Security numbers illegally. Another man linked to al-Qaida, Lofti Raissi, a 27-year old Algerian pilot from London who is believed to have trained four of the suicide hijackers, was identified in British court papers as having used the Social Security number of Dorothy Hansen, a retired factory worker from Jersey City, NJ, who died in 1991.”

Attorney General Ashcroft last week cited the example of an Algerian national now facing charges of identity theft who allegedly stole the identities of 21 members of a health club in Cam-

bridge, MA. The Algerian national then transferred those stolen identities to one of the individuals convicted in the failed plot to bomb Los Angeles International Airport in 1999.

In another case, Michelle Brown of Los Angeles had her Social Security number stolen in 1999, and it was used to charge \$50,000 in her name, including a \$32,000 truck, a \$5,000 liposuction operation and a year-long residential lease. Even worse, while assuming Michelle's name, the perpetrator also became the object of an arrest warrant for drug smuggling in Texas.

In another case recently announced by the Justice Department, Joseph Kalady of Chicago was charged just last week with trying to fake his own death using the identity of another. Kalady, who was awaiting trial on charges of counterfeiting birth certificates, Social Security cards and driver's licenses last December, allegedly suffocated a homeless man and sought to have him cremated under Mr. Kalady's identity in order to fake his own death and avoid prosecution.

The stories go on and on, and it is those stories that make the legislation we introduce today so vital.

Let me just outline what this bill would do.

First, the bill would create a separate crime of “aggravated identity theft” for any person who uses the identity of another person to commit certain serious, federal crimes.

Specifically, the legislation would provide for an additional two-year penalty for any individual convicted of committing one of the following serious Federal crimes while using the identity of another person: stealing another's identity in order to illegally obtain citizenship in the United States; stealing another's identity to obtain a passport or visa; using another's identity to remain in the United States illegally after a visa has expired or an individual has been ordered to depart this country; stealing an individual's identity to commit bank, wire or mail fraud, or to steal from employee pension funds; and other serious federal crimes, all of them felonies.

Furthermore, the legislation would provide for an additional five year penalty for any individual that uses the stolen identity of another person to commit any one of the enumerated Federal terrorism crimes found in 18 U.S.C. 2332b(g)(5)(B). These crime include: the destruction of aircraft; the assassination or kidnapping of high level Federal officials; bombings; hostage taking; providing material support to terrorism organizations; and other terrorist crimes.

Aggravated Identity Theft is a separate crime, not just a sentencing enhancement. And the two-year and five-year penalties for aggravated identity theft must be served consecutively to the sentence for the underlying crime.

This bill also strengthens the ability of law enforcement to go after identity thieves and to provide their case.

First, the bill adds the word “possesses” to current law, in order to allow law enforcement to target individuals who possess the identity documents of another person with the intent to commit a crime. Current Federal law prohibits the transfer or use of false identity documents, but does not specifically ban the possession of those documents with the intent to commit a crime. So if law enforcement discovers a stash of identity documents with the clear intent to use those documents to commit other crimes, the person who possesses those documents will now be subject to prosecution.

Second, the legislation amends current law to make it clear that if a person uses a false identity “in connection with” another Federal crime, and the intent of the underlying Federal crime is proven, then the intent to use the false identity to commit that crime need not be separately proved. This simply makes the job of the prosecutor easier when an individual is convicted of a Federal crime and use a false identity in connection with that crime.

This legislation also increases the maximum penalty for identity theft under current law from three years to five years.

And finally, the legislation we introduce today will clarify that the current 25-year maximum sentence for identity theft in facilitation of international terrorism also applies to identity theft in facilitation of domestic terrorism as well.

Identity theft is a crime on the rise in America, and it is a crime with severe consequences not only for the individual victims of the identity theft, but for every consumer and every financial institution as well.

Fraud losses at financial institutions are running well over one billion dollars annually. VISA alone reported identity theft related fraud losses of more than \$114 million in 2000, a 43 percent increase in just four years.

And for victims, the losses can be staggering. The average loss from one identity theft now ranges about \$18,000. Just imagine, somebody takes a credit card receipt out of a trash-can, makes a few calls, and before you know it you’ve lost \$18,000.

And even though an individual victim may not be forced to pay in the end, the credit card companies, financial institutions and other businesses absorb the loss and pass it on to all consumers, the time and effort required to regain your identity can be quite debilitating. In fact, on average it takes a full year and a half to regain one’s identity once stolen. In many instances, it can take many more years than that.

Additionally, some victims are even subject to criminal investigation or even arrest because a criminal has taken their identity and used it to commit a crime. In fact, the FTC tells us that they have received 1,300 complaints from victims alleging that they

have been subject to investigation, arrest or even conviction as a result of their identity being stolen.

Identity theft comes in many forms and can be perpetrated in many ways, and that is why I have worked for many years now with Senator KYL and others to put some safeguards into the law that might better prevent the fraud from occurring in the first place, and to crack down on identity thieves.

And other legislation I have introduced would put into place certain procedural safeguards to protect credit card numbers, personal information, and other key data from potential identity thieves.

The legislation we introduce today is meant to beef up the law in terms of what happens after an identity theft takes place. In seriously enhancing the penalties for identity thieves who commit other Federal crimes, we mean to send a strong signal to all those who would commit this increasingly popular crime that the relatively free ride they have experienced in recent years is over. No longer will prosecutors decline to take identity theft seriously. No longer will identity thieves get off with just a slap on the wrist, if they are prosecuted at all. Under this legislation, penalties will be severe, prosecution will be more likely, and cases against identity thieves will be easier to prove.

Every day in this country serious criminals and criminal organizations are stealing and falsifying identities with the purpose of doing serious harm to common citizens, government officials, or even our Nation itself. It is time we did something about it, and this bill is an important step in that process.

I urge my colleagues to support this bill, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 2541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Identity Theft Penalty Enhancement Act of 2002”.

#### SEC. 2. AGGRAVATED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1028, the following:

##### “§ 1028A. Aggravated identity theft

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

“(2) TERRORISM OFFENSE.—Whoever, during and in relation to any felony violation enumerated in section 2332b(g)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

“(b) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

“(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28.

“(c) DEFINITION.—For purposes of this section, the term ‘felony violation enumerated in subsection (c)’ means any offense that is a felony violation of—

“(1) section 664 (relating to theft from employee benefit plans);

“(2) section 911 (relating to false personation of citizenship);

“(3) section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm);

“(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);

“(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

“(6) any provision contained in chapter 69 (relating to nationality and citizenship);

“(7) any provision contained in chapter 75 (relating to passports and visas);

“(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);

“(9) section 243 or 266 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

“(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) (relating to various immigration offenses); or

“(11) section 208, 1107(b), or 1128B(a) of the Social Security Act (42 U.S.C. 408, 1307(b), and 1320a-7b(a)) (relating to false statements relating to programs under the Act).”

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

“1028A. Aggravated identity theft.”

#### SEC. 3. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking “transfers” and inserting “transfers, possesses,”; and

(B) by striking “abet,” and inserting “abet, or in connection with,”;

(2) in subsection (b)(1)(D), by striking "transfer" and inserting "transfer, possession,";

(3) in subsection (b)(2), by striking "three years" and inserting "5 years"; and

(4) in subsection (b)(4), by inserting after "facilitate" the following: "an act of domestic terrorism (as defined under section 2331(5) of this title) or".

By Ms. CANTWELL:

S. 2542. A bill to amend title XVIII of the Social Security Act to establish a medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Medicare Incentive Access Act of 2002. I am pleased that Congressman RICK LARSEN will introduce companion legislation in the U.S. House of Representatives.

As my colleagues may be hearing, Medicare beneficiaries across the country are reporting increasing difficulty finding a physician willing to accept their Medicare coverage. In fact, according to the American Medical Association, nearly 30 percent of family physicians nationwide are not accepting new Medicare patients, and 57 percent of Washington State physicians are limiting the number or dropping all Medicare patients from their practices.

There is no doubt that we need to reform Medicare, and I am particularly concerned with the Medicare physician fee schedule issued by the Centers for Medicare and Medicaid Services, CMS. Although CMS insists that physician payment rates will increase more than the general rate of inflation, I am extremely concerned that any additional physician payment reductions may dramatically affect the quality of care offered to beneficiaries and further exacerbate the access problems so many of our constituents are now facing.

Unfortunately, there seems to be a prevailing idea that government programs should automatically pay less than private insurers for the same quality care. I am especially concerned that providers serving a disproportionate number of Medicare and Medicaid patients are facing unsustainable fee reductions.

In its March 2002 report, the Medicare Payment Advisory Committee, MedPAC, the independent Federal body that advises Congress on Medicare payment issues, weighed in on the current Medicare reimbursement rate debate. MedPAC observes that "provider entry and exit data provide information regarding adequacy of the current level of payments."

Keeping in mind that MedPAC's goal is to ensure that Medicare's payment rates cover the costs that efficient providers would incur in beneficiaries' care, it is especially important that MedPAC asserts that "evidence of widespread access or quality problems for beneficiaries may indicate that

Medicare's payment rates are too low." In fact, MedPAC surveyed physicians nationwide, and found that 45 percent said that reimbursement levels for their Medicare fee-for-service patients are a very serious problem.

Every day I hear from my constituents that they are facing increasing difficulty in getting primary care services, and from physicians who can no longer afford to take on new Medicare patients.

One woman in Steilacoom, WA, contacted me about her son, a quadriplegic, who was recently informed that the doctor who has been treating him for a number of years will no longer be able to take Medicare patients.

Another woman from Lynden, WA, told me that her doctor is leaving his practice due to low Medicare reimbursements, her 89-year-old father has also been going to this same doctor and now the family cannot find a local doctor to take him.

When another constituent from Tacoma had to move into the city she had to call numerous physicians before she found one who would take a new Medicare patient.

One physician in Bellingham wrote me to say that one of his favorite patients will no longer see her family practitioner because she has Medicare. This doctor writes "when our seniors feel bad and ashamed about going in to see their physicians because their insurance" coverage is Medicare, I think that reflects very poorly on Medicare, our government, our government, that runs the program, and, to some extent, the caregivers who feel it is a financial burden to take care of our seniors. I couldn't agree more.

In fact, according to the Washington State Department of Health, in Clallam and Kittitas counties in my home State, only 20 percent of primary care physicians reported that they would take new Medicare patients. Yet, at the same time, most practices are accepting new patients with private employer-sponsored insurance. This suggests that general physician shortages are not the major cause underlying the fact that so many physician practices are closing or closed to Medicare patients.

I understand that there are basic fairness issues involved in the national debate over Medicare reimbursements. I am not pretending that the Senate will comprehensively address geographic differences or payment inequities this session. But I do believe we can look at more targeted, limited solutions to address the Medicare reimbursement and access issues on a demonstration level.

We already have a public health program in place, the primary care health professional shortage area designation, HPSA, to determine whether an area has a critical shortage of physicians available to serve the people living there. In fact, this is the measurement used in placing National Health Service Corps doctors in underserved areas.

A HPSA can be a distinct geographic area, such as a county, or a specific population group within the area, such as the low-income. However, in many shortage locations, access to care is a problem for only part of the population. For example, while most residents in a city may have adequate access to care, the elderly or poor may not. And while population HPSA designations measure access problems for Medicaid and low-income patients, migrant workers, and the homeless, there is no designation that specifically identifies or addresses Medicare-related demographics. My bill changes that.

The bill I am introducing today, the Medicare Incentive Access Act, will create a new Medicare Health Professional Shortage Area, HPSA, through a three-year, five-state HHS/Medicare demonstration project. Primary care doctors in an area designated as a Medicare HPSA will receive an automatic 40 percent bonus on all of their Medicare billings.

I believe it is vitally important that the federal government systematically examine different provider incentive programs in order to stabilize, maintain, and increase quality, efficient primary care services for Medicare beneficiaries. I want this demonstration program to examine how we can specifically preserve beneficiary access to primary care providers. The demonstration project will also examine what level of incentive is necessary to prevent future access problems.

I want to point out that while current law prohibits multiple HPSA designations, the demonstration project will not affect current HPSA designations needed for other programs, such as Community Health Centers. In addition, physicians in states participating in the Medicare HPSA demonstration project will not be able also to receive payments under the Medicare Incentive Payment program, which bases its ten percent bonus on geographic shortage areas. As I mentioned earlier, geographic shortage areas actually have nothing to do with measuring Medicare-related access issues.

There is an abundance of excellent research currently underway at the six Federal rural health research centers on all Medicare provider reimbursement issues. These research centers are already set up for demonstration analyses like the one required under my bill. I sincerely appreciate the help Gary Hart, Ph.D. has provided me in developing this proposal and discussing other, more comprehensive, means by which to look at different Medicare payment and access issues. Dr. Hart is the director of the WWAMI Rural Health Research Center at the University of Washington, which is largely focusing on rural physician payments.

I also want to thank Vince Schueler and Laura Olexa of the Office of Community and Rural Health and the Washington Department of Health, for providing invaluable assistance in understanding rural health problems, the

Federal HPSA designation, and access barriers for Medicare beneficiaries, especially in rural areas of the State. After we began discussing this problem, they went out of their way to do additional surveys in rural counties to measure the most current access to primary care physicians for both Medicaid and Medicare patients.

Finally, I want to thank the Washington State Medical Association and Len Eddinger for their advice and assistance on this issue. I am delighted that the WSMA has endorsed this legislation, and I ask unanimous consent that its letter of support be added in the record at the end of my statement.

The fact of the matter is that there is a crisis at hand regarding Medicare benefits, and Medicare payments, and as a country, we simply have not invested as we should in health care.

I sincerely believe that all individuals should have access to quality and affordable medical care including the ability to visit doctors whom they trust. It will do the country little good to provide guaranteed health care for the elderly and disabled if physicians are unwilling to work with Medicare patients because of inadequate payment policies.

I believe the bill I am introducing today, the Medicare Incentive Act, is a good approach to examining these very important issues. I encourage my colleagues to take a look at this bill, and to join me in cosponsoring it.

I ask unanimous consent that a letter of support be printed in the RECORD.

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

WASHINGTON STATE MEDICAL  
ASSOCIATION,  
May 13, 2002.

Hon. MARIA CANTWELL,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the 8,800 members of the Washington State Medical Association (WSMA), please accept my sincere thanks for all the work you are doing to improve the Medicare program.

The financial condition of the health care delivery system in Washington state is as poor as I have seen in my nearly 25 years of practice. As I travel the state and speak with my colleagues, it has become clear that something dramatic and sustainable must be done to ensure the long viability of Medicare and Medicaid.

At our May Executive Committee meeting, we had an opportunity to discuss the draft of your proposed legislation to develop demonstration projects to enhance physician reimbursement within established Medicare Health Professional Shortage Areas. We view the approach as extremely creative and well worth the time and effort of investigation. Our hope is that successful implementation of this scenario will lead to incentives across the entire physician community.

Senator, there is no doubt that declining reimbursements in the Medicare and Medicaid programs are putting enormous stress on medical practices and causing physicians to limit patients who are eligible for these programs. We look forward to working with you and your staff to alleviate this pressing social problem.

Please let us know what we can do to help by contacting Len Eddinger, WSMA's Director of Public Policy, in the Olympia office of the WSMA at (360) 352-4848 or by email: len@wsma.org.

Sincerely,

SAMUEL W. CULLISON, MD,  
President.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, the General Accounting Office has recently completed a study on the cleanup of Contaminated Areas in the Great Lakes. While it is no surprise to those of us who live in the Great Lakes region, GAO found that there has been "slow progress of cleanup efforts".

For those of you who live outside the Great Lakes region, Areas of Concern are sites in the Great Lakes that do not meet the water quality goals established by the United States and Canada in the Great Lakes Water Quality Agreement. The primary reason that these areas fail to meet water quality goals is the result of contaminated sediments, a result of the industrialization of the mid-west. In order to meet the water quality goals, the Great Lakes Water Quality Agreement binds us to an identified cleanup process focused around Remedial Action Plans, RAPs.

RAPs define the environmental problem, evaluate remedial measures, and identify a process for moving forward with cleanup. The RAP process relies on State and public involvement, and RAPs need the financial support of the Federal Government.

The GAO reports that the RAP process is often disregarded by the states and EPA. The progress that is being made to cleanup the Areas of Concern is being made not under the Great Lakes Water Quality Agreement but under other laws such as Superfund. EPA has failed to provide oversight responsibility for RAPs and does not provide nearly enough financial resources for RAPs. In addition to these problems associated with EPA, there is no way to implement RAPs because there is no pot of money to do so and no established procedure to follow.

There are 13 areas of concern in the State of Michigan which result in fish advisories, degradation of fish and wildlife populations, taste and odor problems with drinking water, beach closures, and bird and animal deformities or reproductive problems. These environmental problems are too grave considering the fact that the Great Lakes holds one-fifth of the world's freshwater, supplies drinking water to

33 million people, and provides a \$2 billion fishery.

So today, with my colleague from Ohio, Senator DEWINE, I am introducing the Great Lakes Legacy Act to authorize \$50 million per year in grants to States to cleanup Areas of Concern and implement RAPs. This legislation will also require EPA to report to Congress within 1 year on how it plans to provide the oversight needed to make sure that the Areas of Concern will meet water quality goals.

The problem of contaminated sediments in the Great Lakes has been known for decades, and I hope that my colleagues will support this legislation to hopefully cleanup Areas of Concern.

Mr. DEWINE. Mr. President, I rise today to discuss a very important environmental issue, not just to my home State of Ohio, but to our entire Nation, and that issue is the protection of our Great Lakes. These lakes are a natural treasure that hold one-fifth of the world's freshwater, produce \$2 billion per year in fish, and provide drinking water to 33 million people.

Yesterday, the GAO released a report on the progress of cleanup in polluted Areas of Concern. These Areas of Concern, or AOCs, are sites in the Great Lakes that do not meet water quality goals. Many years ago, the United States and Canada identified 44 AOCs in the Great Lakes and agreed to a cleanup process.

In my home State of Ohio, there are four AOCs, the Maumee River, the Ash-tabula River, the Black River, and the Cuyahoga River. These areas suffer fish and wildlife consumption restrictions, fish and wildlife reproductive problems and deformities, algal blooms, restrictions on drinking water consumption, and beach closings. These environmental problems need to be addressed as quickly as possible.

Unfortunately, cleanup has been very slow. The GAO report found that the Environmental Protection Agency, EPA, has failed to take oversight responsibility, Federal funding has declined steadily over the years, and States have abandoned the cleanup process.

These results are disturbing to say the least. This is why Senator LEVIN and I, as Co-Chairs of the Senate Great Lakes Task Force, are introducing a bill today that would authorize \$50 million per year in grants to States for the cleanup of Areas of Concern. Cleanup work includes monitoring and evaluating sites, remediating sediment, and preventing further contamination. This legislation would authorize the EPA to conduct research and development of innovative approaches, technologies, and techniques for the remediation of sediment in the Great Lakes and would authorize the Great Lakes National Program Office to carry out a public information grant program to provide information about the contaminated sediments, as well as activities to clean-up the site. Finally, as the GAO report recommends, our bill would require the EPA to submit a report to

Congress on the actions, time periods, and resources that are necessary for the EPA to oversee the Remedial Action Plans at Areas of Concern.

I urge my colleagues to support this legislation and honor an international commitment to protect a truly great natural resource. We must honor our commitment to future generations and do all we can to protect the Lakes for our children and grandchildren. We owe it to them.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI):

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise to introduce a new bill, the Nuclear Nonproliferation Act of 2002. Senators BIDEN, LUGAR, LANDRIEU, HAGEL, MURKOWSKI and BINGAMAN—the junior Senator from my State—join me in cosponsoring this important piece of legislation.

The end of the Soviet Union in 1991 started a chain of events, which in the long term can lead to vastly improved global stability. Concerns about global confrontations were greatly reduced after that event.

But with that event, the Soviet system of guards, guns, and a highly regimented society that had effectively controlled their weapons of mass destruction, along with the materials and expertise to create them, was significantly weakened. Even today, with Russia's economy well on the road to recovery, there's still plenty of room for concerns about the security of these Russian assets.

The tragic events of September 11 brought the United States into the world of international terrorism, a world from which we had been very sheltered. Even with the successes of the subsequent war on terrorism, there's still ample reason for concern that the forces of Al Qaeda and other international terrorists are seeking other avenues to disrupt peaceful societies around the world.

In some sense, the events of September 11 set a new gruesome standard against which terrorists may measure their future successes. There should be no question that these groups would use weapons of mass destruction if they could acquire them and deliver them here or to countless other international locations.

One of our strongest allies in the current war on terrorism has been the Russian Federation. Assistance from the Russians and other states of the former Soviet Union has been vital in many aspects of the conflict in Afghanistan.

President Putin and President Bush have forged a strong working relationship, and the current summit meeting

is another measure of interest in increased cooperation. As this new bill seeks to strengthen our nonproliferation programs, it provides many options for actions to be conducted through joint partnerships between the Russian Federation and the United States that build on this increased cooperative spirit.

The Nunn-Lugar program of 1991 and the Nunn-Lugar Domenici legislation of 1996 provided vital support for cooperative programs to reduce the risks that weapons of mass destruction might become available to terrorists. They established a framework for cooperative progress that has served our nation and the world very well. But despite their successes, there remain many actions that should be taken to further reduce these threats.

The report by Howard Baker and Lloyd Cutler is one of the most comprehensive calls for increased attention to these risks. That report, which was written well before September 11, and many others have suggested additional actions that could and should be taken beyond the two original bills.

One of the most important realizations from September 11 concerns the global reach of the forces of terrorism. It's now clear that our nuclear nonproliferation programs should extend far beyond the states of the former Soviet Union.

This new bill expands and strengthens many of the programs established earlier, to further reduce threats to global peace. It expands the scope of several programs to world-wide coverage. It focuses on threats of a nuclear or radiological type, which fall within the expertise of the National Nuclear Security Administration of the Department of Energy.

It expands programs to include the safety and security of nuclear facilities and radioactive materials around the world, wherever countries are willing to enter into cooperative arrangements for threat reduction. It recognizes that devices that disperse radioactive materials, so-called "dirty bombs," can represent a real threat to modern societies.

Dirty bombs could be used as weapons of mass terror, property contamination, and economic disaster. We need better detection systems for the presence of dirty bombs that are appropriate to the wide range of delivery systems for such a weapon, from trucks to boats to containers. And we need to be far better prepared to deal with the consequences of such an attack.

The new legislation includes provisions to accelerate and expand existing programs for disposition of fissile materials. These materials, of course, represent not only a concern with dirty bombs, but also the even larger threat of use in crude nuclear weapons.

It includes a program that should help accelerate the conversion of highly enriched uranium into forms unusable for weapons. It addresses one of the major concerns associated with

this material, that both the United States in the Atoms for Peace program as well as the Soviet Union, provided highly enriched uranium to many countries as fuel for research reactors. That fuel represents a proliferation risk today.

It authorizes new programs for global management of nuclear materials, in cooperation with other nations and with the International Atomic Energy Agency. It recognizes that modern societies use radioactive materials as essential tools in many ways, and offers assistance in providing new controls on the most dangerous of these materials.

It suggests that many of the program elements involve international cooperation with the Russian Federation and with other nations. In fact, it recognizes that the global nature of the current threats requires such cooperation, and provides authorizations for the Secretary of Energy and Secretary of State to offer significant help to other nations. In many cases, we cannot accomplish these programs without such cooperation.

This new bill includes provisions extending the first responder training programs, originally created under Nunn-Lugar-Domenici. These programs have already made real contributions. In fact, the training provided under this program in New York City helped mitigate the catastrophe there on September 11. That program was authorized for only 5 years in the original legislation. This bill extends that authorization for another 10 years for first responder preparation in various communities and cities of America.

The new bill requires annual reports demonstrating that all our nonproliferation programs are well coordinated and integrated. Countless reports have called for improved coordination of all federal nonproliferation programs. The original call for this coordination in the Nunn-Lugar-Domenici legislation was completely ignored by the Clinton administration.

The report requires an annual statement of the extent of coordination between federally funded and private activities. That is very important, because of the important work being done by private organizations, like the Nuclear Threat Initiative, that are providing critical assistance toward similar nonproliferation goals.

With this new bill, our programs to counter threats of nuclear and radiological terrorism will be significantly strengthened and risks to the United States and our international partners can be greatly reduced.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Nonproliferation Act of 2002".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Whereas the focus on the security of radioactive materials before the events of September 11, 2001, was on fissile materials, it is now widely recognized that the United States must expand its concerns to the safety and security of nuclear facilities, and the radioactive materials in use or stored at such facilities, that may be attractive to terrorists for use in radiological dispersal devices as well as in crude nuclear weapons. Such materials include all radioactive materials in the nuclear fuel cycle (such as nuclear waste and spent fuel) as well as industrial and medical radiation sources. Steps must be taken not only to prevent the acquisition of such materials by terrorists, but also to rapidly mitigate the consequences of the use of such devices and weapons on public health and safety, facilities, and the economy.

(2) The technical activities of United States efforts to combat radiological terrorism should be centered in the National Nuclear Security Administration because it has the nuclear expertise and specialized facilities and activities needed to develop new and improved protection and consequence mitigation systems and technologies. New technologies and systems should be developed by the Administration in partnership with other agencies and first responders that also have the operational responsibility to deal with the threat of radiological terrorism.

(3) Fissile materials are a special class of materials that present a range of threats, from utilization in improvised nuclear devices to incorporation in radiological dispersal devices. The Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 50 U.S.C. 2301 et seq.) focused on cooperative programs with the former Soviet Union to control such materials. It is critical that these efforts continue and that efforts commence to develop a sustainable system by which improvements in such efforts are retained far into the future. Development of such a sustainable system must occur in partnership with the Russian Federation and the other states of the former Soviet Union.

(4) The Russian Federation and the other states of the former Soviet Union are not the only locations of fissile materials around the world. Cooperative programs to control potential threats from any of such materials should be expanded to other international partners. Programs, coordinated with the International Atomic Energy Agency and other international partners, should be initiated to optimize control of such materials.

(5) The Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993 (the so-called "HEU deal"), represents an effective approach to reducing the stocks of the Russian Federation of highly enriched uranium (HEU). However, such stocks are much larger than contemplated in the Agreement, and many other nations also possess quantities of highly enriched uranium. Global stability would be enhanced by modification of all available highly enriched uranium into forms not suitable for weapons. Efforts toward such modification of highly enriched uranium should include expansion of programs to deal with research reactors fueled by highly enriched uranium, which were provided by the United States under the Atoms for Peace program and the Atomic Energy Act of 1954 and similarly encouraged by the former Soviet Union.

(6) Expansion of commercial nuclear power around the world will lead to increasing global stocks of reactor grade plutonium and fission products in spent fuel. If improperly controlled, such materials can contribute to proliferation and represent health and environmental risks. The international safeguards on such materials established through the International Atomic Energy Agency must be strengthened to deal with such concerns. The National Nuclear Security Administration is the appropriate Federal agent for dealing with technical matters relating to the safeguard and management of nuclear materials. The United States, in cooperation with the Russian Federation and the International Atomic Energy Agency, should lead the international community in developing proliferation-resistant nuclear energy technologies and strengthened international safeguards that facilitate global management of all nuclear materials.

(7) Safety and security at nuclear facilities are inextricably linked. Damage to such facilities by sabotage or accident, or the theft or diversion of nuclear materials at such facilities, will have substantial adverse consequences worldwide. It is in the United States national interest to assist countries that cannot afford proper safety and security for their nuclear plants, facilities, and materials in providing proper safety and security for such plants, facilities, and materials, and in developing the sustainable safety and security cultures that are required for the safe and secure use of nuclear energy for peaceful purposes. The National Nuclear Security Administration is the appropriate Federal agent for dealing with the technical aspects of providing for international nuclear safety that must be coordinated with safeguards of nuclear materials.

(8) The United States has provided sealed sources of nuclear materials to many countries through the Atoms for Peace program and the Atomic Energy Act of 1954. These sources remain property of the United States. A recent report of the Inspector General of the Department of Energy, entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", noted that a total of 2-3 kilograms of plutonium were in sources provided to 33 nations and that the Department can not account fully for these sources. Many of these sources are small enough to present little risk, but a careful review of sources and recipients could identify concerns requiring special attention. In addition, the former Soviet Union supplied sealed sources of nuclear materials for research and industrial purposes, including some to other countries. These sources contain a variety of radioactive materials and are often uncontrolled, missing, or stolen. The problem of dangerous radiation sources is international, and a solution to the problem will require substantial cooperation between the United States, the Russian Federation, and other countries of the former Soviet Union, as well as international organizations such as the International Atomic Energy Agency. The International Nuclear Safety and Cooperation program and the Materials Protection, Control, and Accounting program of the National Nuclear Security Administration address such matters. However those programs need to be strengthened.

(9) Authorization for domestic testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons provided by section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) has expired. These tests have been invaluable in preparing first responders for a range of potential threats and should be continued.

(10) Coordination of all Federal non-proliferation programs should be improved to maximize efficiency and effectiveness of programs in multiple agencies. Congress needs a comprehensive annual report detailing the nonproliferation policies, strategies, and budgets of the Federal Government. Cooperation among Federal and private non-proliferation programs is critical to maximize the benefits of such programs.

(11) The United States response to terrorism must be as rapid as possible. In carrying out their antiterrorism activities, the departments and agencies of the Federal Government, and State and local governments, need rapid access to the specialized expertise and facilities at the national laboratories and sites of the Department of Energy. Multiple agency sponsorship of these important national assets would help achieve this objective.

**SEC. 3. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.**

(a) EXTENSION OF TESTING.—Section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2720; 50 U.S.C. 2315) is amended—

(1) in subsection (a)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013"; and

(2) in subsection (b)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013".

(b) CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The amendment made by subsection (a) may not be construed as modifying the designation of the President entitled "Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997", dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996.

**SEC. 4. PROGRAM ON TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.**

(a) PROGRAM REQUIRED.—(1) The Administrator for Nuclear Security shall carry out a program on technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, disposition, consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism.

(2) The Administrator shall carry out the program as part of the nonproliferation and verification research and development programs of the National Nuclear Security Administration.

(b) PROGRAM ELEMENTS.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism in the United States;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development in cooperation with the Russian Federation of technologies to respond to nuclear or radiological terrorism in the former states of the Soviet Union, including the



demonstration of technologies so developed; and

(4) provide, where feasible, assistance to other countries on matters relating to nuclear or radiological terrorism, including—

(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;

(B) the provision of assistance in developing means for the safe disposal of radioactive materials;

(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and

(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", and in identifying and controlling radiological sources that represent significant risks.

(c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.—(1) In carrying out activities in accordance with paragraphs (3) and (4) of subsection (b), the Administrator shall consult with—

(A) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(B) the International Atomic Energy Agency.

(2) The Administrator shall encourage joint leadership between the United States and the Russian Federation of activities on the development of technologies under subsection (b)(4).

(d) INCORPORATION OF RESULTS IN EMERGENCY RESPONSE ASSISTANCE PROGRAM.—To the maximum extent practicable, the technologies and information developed under the program required by subsection (a) shall be incorporated into the program on responses to emergencies involving nuclear and radiological weapons carried out under section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 50 U.S.C. 2315).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Energy for the National Nuclear Security Administration to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, \$40,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

#### **SEC. 5. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.**

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting (MPC&A) program of the Department of Energy to encompass countries outside the Russian Federation and the independent states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS FOR ADDITIONAL COUNTRIES.—Not later than 30 days after the Secretary obligates funds for the International Materials Protection, Control, and Accounting program, as expanded under subsection (a), for activities in or with respect to a country outside the Russian Federation and the independent states of the former Soviet Union, the Secretary shall submit to Congress a notice of the obligation of such funds for such activities.

(c) ASSISTANCE TO DEPARTMENT OF STATE FOR NUCLEAR MATERIALS SAFEGUARDS PROGRAMS.—(1) As part of the International Materials Protection, Control, and Accounting program, the Secretary of Energy may pro-

vide technical assistance to the Secretary of State in the efforts of the Secretary of State to assist other nuclear weapons states to review and improve their nuclear materials safeguards programs.

(2) The technical assistance provided under paragraph (1) may include the sharing of technology or methodologies to the states referred to in that paragraph. Any such sharing shall—

(A) be consistent with the treaty obligations of the United States; and

(B) take into account the sovereignty of the state concerned and its weapons programs, as well as the sensitivity of any information involved regarding United States weapons or weapons systems.

(3) The Secretary of Energy may include the Russian Federation in activities under paragraph (1) if the Secretary determines that the experience of the Russian Federation under the International Materials Protection, Control, and Accounting program with the Russian Federation would make the participation of the Russian Federation in such activities useful in providing technical assistance under that paragraph.

(d) PLAN FOR ACCELERATED CONVERSION OR RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS.—(1) The Secretary shall build on efforts to accelerate the conversion or return to the country of origin of all weapons-usable nuclear materials located in research reactors and other facilities outside the country of origin.

(2) The plan under paragraph (1) for nuclear materials of origin in the Soviet Union shall be developed in consultation with the Russian Federation.

(3) As part of the plan under paragraph (1), the Secretary shall assist the research reactors and facilities referred to in that paragraph in upgrading their materials protection, control, and accounting procedures until the weapons-usable nuclear materials in such reactors and facilities are converted or returned in accordance with that paragraph.

(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.

(e) RADIOLOGICAL DISPERSAL DEVICE PROTECTION, CONTROL, AND ACCOUNTING.—(1) The Secretary shall establish within the International Materials Protection, Control, and Accounting program a program on the protection, control, and accounting of materials usable in radiological dispersal devices.

(2) The program under paragraph (1) shall include—

(A) an identification of vulnerabilities regarding radiological materials worldwide;

(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and

(C) an acceleration of efforts to recover and control so-called "orphaned" radiological sources.

(3) The program under paragraph (1) shall be known as the Radiological Dispersal Device Protection, Control, and Accounting program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, \$10,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

#### **SEC. 6. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.**

(a) PROGRAM AUTHORIZED.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation, and any

other nation that possesses highly enriched uranium, options for blending such uranium so that the concentration of U-235 in such uranium is below 20 percent.

(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

(A) additional facilities for the blending of highly enriched uranium; and

(B) additional centralized secure storage facilities for highly enriched uranium, as so blended.

(b) INCENTIVES REGARDING HIGHLY ENRICHED URANIUM IN RUSSIA.—As part of the options pursued under subsection (a) with the Russian Federation, the Secretary may provide financial and other incentives for the removal of all highly enriched uranium from any particular facility in the Russian Federation if the Secretary determines that such incentives will facilitate the consolidation of highly enriched uranium in the Russian Federation to the best-secured facilities.

(c) CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.—Nothing in this section may be construed as terminating, modifying, or otherwise effecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

(d) PRIORITY IN BLENDING ACTIVITIES.—In pursuing options under this section, the Secretary shall give priority to the blending of highly enriched uranium from weapons, though highly enriched uranium from sources other than weapons may also be blended.

(e) TRANSFER OF HIGHLY ENRICHED URANIUM AND PLUTONIUM TO UNITED STATES.—(1) As part of the program under subsection (a), the Secretary may, upon the request of any nation—

(A) purchase highly enriched uranium or weapons grade plutonium from the nation at a price determined by the Secretary;

(B) transport any uranium or plutonium so purchased to the United States; and

(C) store any uranium or plutonium so transported in the United States.

(2) The Secretary is not required to blend any highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U-235 in such uranium to below 20 percent. Amounts authorized to be appropriated by subsection (m) may not be used for purposes of blending such uranium.

(f) TRANSFER OF HIGHLY ENRICHED URANIUM TO RUSSIA.—(1) As part of the program under subsection (a), the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.

(2) The Secretary shall pay any nation that transfers highly enriched uranium to the Russian Federation under this subsection an amount determined appropriate by the Secretary.

(3) The Secretary shall bear the cost of any blending and storage of uranium transferred to the Russian Federation under this subsection, including any costs of blending and storage under a contract under subsection (g).

(g) CONTRACTS FOR BLENDING AND STORAGE OF HIGHLY ENRICHED URANIUM IN RUSSIA.—As part of the program under subsection (a), the Secretary may enter into one or more contracts with the Russian Federation—

(1) to blend in the Russian Federation highly enriched uranium of the Russian Federation and highly enriched uranium transferred to the Russian Federation under subsection (f); or

(2) to store the blended material in the Russian Federation.

(h) **LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.**—Uranium blended under this section may not be released for sale until the earlier of—

(1) January 1, 2014; or

(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining industry in the United States.

(i) **PROCEEDS OF SALE OF URANIUM BLENDED BY RUSSIA.**—Upon the sale by the Russian Federation of uranium blended under this section by the Russian Federation, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (b), (f), and (g).

(j) **REPORT ON STATUS OF PROGRAM.**—Not later than July 1, 2003, the Secretary shall submit to Congress a report on the status of the program carried out under the authority in subsection (a). The report shall include—

(1) a description of international interest in the program;

(2) schedules and operational details of the program; and

(3) recommendations for future funding for the program.

(k) **DISPOSITION OF PLUTONIUM IN RUSSIA.**—(1) The Secretary may assist the Russian Federation in any fiscal year with the plutonium disposition program of the Russian Federation (as established under the agreement referred to in paragraph (2)) if the President certifies to Congress at the beginning of such fiscal year that the United States and the Russian Federation have entered into a binding agreement on the disposition of the weapons grade plutonium of the Russian Federation.

(2) The agreement referred to in this paragraph is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Cooperation, signed August 29, 2000, and September 1, 2000.

(3) The program under paragraph (1)—

(A) shall include transparent verifiable steps;

(B) shall proceed at roughly the rate of the United States program for the disposition of plutonium;

(C) shall provide for cost-sharing among a variety of countries;

(D) shall provide for contributions by the Russian Federation;

(E) shall include steps over the near term to provide high confidence that the schedules for the disposition of plutonium of the Russian Federation will be achieved; and

(F) may include research on more speculative long-term options for the future disposition of the plutonium of the Russian Federation in addition to the near-term steps under subparagraph (E).

(l) **HIGHLY ENRICHED URANIUM DEFINED.**—In this section, the term “highly enriched uranium” means uranium with a concentration of U-235 of 20 percent or more.

(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003—

(A) for activities under subsections (a) through (i), \$100,000,000; and

(B) for activities under subsection (k), \$200,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such

fiscal year for activities under subsection (a) through (i).

## **SEC. 7. STRENGTHENED INTERNATIONAL SAFEGUARDS FOR NUCLEAR MATERIALS AND SAFETY FOR NUCLEAR OPERATIONS.**

(a) **REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM TO STRENGTHEN SAFEGUARDS AND SAFETY.**—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to Congress a report on options for an international program to develop strengthened safeguards for all nuclear materials and safety for nuclear operations.

(2) Each option for an international program under paragraph (1) may provide that the program is jointly led by the United States, the Russian Federation, and the International Atomic Energy Agency.

(3) The Administrator shall include with the report on options for an international program under paragraph (1) a description and assessment of various management alternatives for the international program. If any option requires Federal funding or legislation to implement, the report shall also include recommendations for such funding or legislation, as the case may be.

(b) **JOINT PROGRAMS WITH RUSSIA ON PROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.**—The Administrator shall pursue with the Russian Federation joint programs between the United States and the Russian Federation on proliferation resistant nuclear technologies.

(c) **PARTICIPATION OF OFFICE OF NUCLEAR ENERGY SCIENCE.**—The Administrator shall consult with the Office of Nuclear Energy Science and Technology of the Department of Energy in the development of options under subsection (a) and joint programs under (b).

(d) **PARTICIPATION OF INTERNATIONAL TECHNICAL EXPERTS.**—In developing options under subsection (a), the Administrator shall, in consultation with the Russian Federation and the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.

(e) **ASSISTANCE REGARDING HOSTILE INSIDERS AND AIRCRAFT IMPACTS.**—(1) The Secretary of Energy may, utilizing appropriate expertise of the Department of Energy, provide assistance to nuclear facilities abroad on the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the impact of aircraft with nuclear facilities in such countries.

(f) **ASSISTANCE TO IAEA IN STRENGTHENING INTERNATIONAL NUCLEAR SAFEGUARDS.**—The Secretary may expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in strengthening international nuclear safeguards.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003—

(A) for activities under subsections (a) through (e), \$20,000,000, of which \$5,000,000 shall be available for sabotage protection for nuclear power plants and other nuclear facilities abroad; and

(B) for activities under subsection (f), \$30,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

## **SEC. 8. EXPORT CONTROL PROGRAMS.**

(a) **AUTHORITY TO PURSUE OPTIONS FOR STRENGTHENING EXPORT CONTROL PROGRAMS.**—The Secretary of Energy may pursue in the former Soviet Union and other regions of concern, principally in South Asia, the Middle East, and the Far East, options for accelerating programs that assist countries in such regions in improving their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, \$5,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

## **SEC. 9. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.**

(a) **REVISED FOCUS FOR PROGRAM.**—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting programs of the Department and the Russian Federation Ministry of Atomic Energy.

(2) The updated plan shall shift the focus of the upgrades of the nuclear materials protection, control, and accounting program of the Russian Federation in achieving, as soon as practicable but not later than January 1, 2012, a sustainable safeguards system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(b) **PACE OF PROGRAM.**—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.

(c) **TRANSPARENCY OF PROGRAM.**—(1) The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

(2) The alternatives identified under paragraph (1) may not include full intrusive access to sensitive facilities in the Russian Federation.

(d) **SENSE OF CONGRESS.**—In furtherance of the activities required under this section, it is the sense of Congress the Secretary should—

(1) improve the partnership with the Russian Ministry of Atomic Energy in order to enhance the pace and effectiveness of nuclear materials safeguards at facilities in the Russian Federation, including serial production enterprises; and

(2) clearly identify the assistance required by the Russian Federation, the contributions anticipated from the Russian Federation, and the transparency milestones that can be used to assess progress in meeting the requirements of this section.

## **SEC. 10. COMPREHENSIVE ANNUAL REPORT TO CONGRESS OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.**

Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public

Law 107-107; 115 Stat. 1247) is amended by adding at the end the following new subsection:

“(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

“(2) Each report under paragraph (1) shall include—

“(A) a discussion of any progress made during the year covered by such report in the matters of the plan required by subsection (a);

“(B) a discussion of any consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

“(C) a discussion of any cooperation and coordination during such year in the implementation of the plan between the United States and private entities that share objectives similar to the objectives of the plan; and

“(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.”.

**SEC. 11. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF ANTITERRORISM ACTIVITIES.**

(a) AGENCIES AS JOINT SPONSORS OF LABORATORIES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department of Energy national laboratory shall be a joint sponsor, under a multiple agency sponsorship arrangement with the Department, of such laboratory in the performance of such work.

(b) AGENCIES AS JOINT SPONSORS OF SITES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department site shall be a joint sponsor of such site in the performance of such work as if such site were a federally funded research and development center and such work were performed under a multiple agency sponsorship arrangement with the Department.

(c) PRIMARY SPONSORSHIP.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) WORK.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the submittal to a Department national laboratory or site of requests for work on antiterrorism matters by departments and agencies that are joint sponsors of such national laboratory or center, as the case may be, under this section.

(2) A request for work may not be submitted to a national laboratory or site under this section unless approved in advance by the Administrator.

(3) Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017(a)(4) of the Federal Acquisition Regulation.

(4) The Administrator shall ensure that the work of a national laboratory or site requested under this section is performed expeditiously and to the satisfaction of the head of the department or agency submitting the request.

(e) FUNDING.—(1) Subject to paragraph (2), a joint sponsor of a national laboratory or

site under this section shall provide funds for work of such center or site, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such center under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subsection (b).

(2) The total amount of funds provided a national laboratory or site in a fiscal year under this subsection by joint sponsors other than the Department of Energy shall not exceed an amount equal to 25 percent of the total funds provided such center or site, as the case may be, in such fiscal year from all sources.

Mr. BIDEN. Mr. President, the world is a dangerous place, and the United States is not immune to those dangers. In just the last few days, we have heard warnings that suicide bombers will mount attacks in the United States and that terrorist groups will inevitably obtain weapons of mass destruction from rogue states.

My own greatest concern is that rogue states or terrorist groups may obtain nuclear weapons, or the means to produce them, from the former Soviet Union, where less-than-adequate security and under-employed weapons scientists coexist with the world's largest stockpile of excess fissile material. We know that both rogues and terrorists are attempting to exploit the instability in that region in order to gain weapons of mass destruction.

Some Russians have been caught stealing radioactive, or even fissile, material. And witnesses at two Foreign Relations Committee hearings warned that even modestly capable terrorists could convert stolen highly enriched uranium into enormously destructive improvised nuclear devices.

But I do not share the view that proliferation of nuclear weapons is inevitable. The United States has had real successes in nuclear nonproliferation and there is every reason to think that we can build on that record.

Thanks to the Nunn-Lugar Cooperative Threat Reduction program, the countries of Belarus, Kazakhstan and Ukraine gave up their nuclear weapons.

Thanks to the Materials Protection, Control and Accounting program, many Russian facilities have improved their security for fissile material.

Thanks to our fissile material disposition programs, the United States and Russia will each demilitarize 34 metric tons of excess plutonium, and Russia will downblend 500 metric tons of high-enriched uranium into low-enriched fuel for nuclear power reactors.

Thanks to several U.S. programs, thousands of under-employed weapons scientists in the former Soviet Union have obtained at least part-time employment in new, socially useful endeavors.

These programs point the way to how we can speed up the day when rogue states and terrorists will find the doors closed to them when they seek dan-

gerous materials or technology from the former Soviet Union. The administration told many months to review these programs last year, but that review led it to the absolutely correct conclusions that the programs are vital to our national security and that nearly all of them should be expanded. The problem now is that we are still not doing nearly enough. The President's budget request for fiscal year 2003 would maintain our nonproliferation assistance programs, but not significantly increase them.

The Nuclear Nonproliferation Act of 2002 takes important steps to expand these programs, and I am proud to co-sponsor this legislation. Senator DOMENICI to be both commended and supported for drafting this bill. I am also delighted to be joined by Senators LUGAR and HAGEL from the Foreign Relations Committee, Senators LANDRIEU and BINGAMAN from the Armed Services Committee, and Senator MURKOWSKI, who has paid particular attention to Russian nuclear problems.

The Nuclear Nonproliferation Act of 2002 will lead to greater levels of effort—and, I believe, greater levels of achievement—in several areas. For example, it authorizes \$40 million for a new research, development, and demonstration program to help respond to nuclear or radiological terrorism. Some of these funds would also help other nations to better regulate the protection and control of radiological sources, to prevent any diversion to terrorists. Some of the funds will go to new technologies to detect radioactive and fissile materials being smuggled into the United States. And some will support work with the International Atomic Energy Agency to improve international safeguards for nuclear materials and operations.

It authorizes up to \$300 million to accelerate and expand current programs to blend down highly enriched uranium (HEU) into reactorgrade material which cannot explode and to dispose of plutonium in Russia. This provision also allows for HEU purchases from other countries.

It authorizes \$20 million for work with the international community to develop options for a global program for international safeguards, nuclear safety and proliferation-resistant nuclear technologies. This includes efforts to improve sabotage protection for nuclear power plants and other nuclear facilities overseas.

These are sensible proposals, and very sensibly priced when one considers the magnitude of the threat that they address. Former Senator Howard Baker and former White House Counsel Lloyd Cutler called on us last year to devote at least \$3,000,000,000 dollars a year to this effort. Even with last year's congressionally-mandated budget increases and even with this fine bill, we will achieve less than two-thirds of that objective.

But these are important steps, ones that have been vetted with experts inside and outside our government. They

deserve the support of all of us, and they will help build a safer world for our children and grandchildren.

By Mr. THURMOND:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I rise today to express my disappointment in the decision announced yesterday by the Department of Transportation against allowing airline pilots to carry firearms during the performance of their duties. Today I am introducing legislation which would overturn that decision and require the Transportation Security Administration to establish a program to permit pilots to defend their aircraft against acts of criminal violence or air piracy. This legislation will provide a critical last line of defense to secure commercial aircraft.

This bill I am introducing today is identical to a bill in the House of Representatives, H.R. 4635, introduced by Mr. YOUNG of Alaska and Mr. MICA of Florida. The legislation requires the Under Secretary of Transportation for Security to establish a program not later than 90 days after the date of enactment to deputize qualified volunteer pilots as Federal law enforcement officers to defend the cockpits of commercial aircraft in flight against acts of criminal violence or air piracy. Pilots who are deputized will be known as "Federal Flight Deck Officers" and will be authorized to carry a firearm and use force, including deadly force, against an individual in defense of an aircraft.

Under the bill, a qualified pilot is a pilot that is employed by an air carrier, has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal Flight Deck Officer, and has been the subject of an employment investigation, including a criminal history record check.

Not later than 120 days after the date of enactment, the Under Secretary shall deputize 500 qualified pilots who are former military or law enforcement personnel. Not later than 24 months after the date of enactment, the Under Secretary shall deputize any qualified pilot. The Federal Government will provide training, supervision and equipment at no expense to the pilot or air carrier. Pilots participating in this program will not be eligible to receive compensation for services. The legislation protects volunteer pilots and their employers against liability from damages resulting from participation in the program.

The Department of Transportation has taken important steps to improve the security of our airports and protect the flying public. However, September 11 demonstrated our enemies will stop at nothing to inflict harm on Americans and destroy our way of life. Our response must be equally as deter-

mined and resolute. We must not take half measures or engage in wishful thinking. We must not refrain from utilizing every tool we possess. We must enable those who pilot commercial passenger aircraft to defend against any threat and protect the safety of their aircraft and passengers. And finally, we must do so without further delay. I hope the Senate responds quickly to this important matter.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2546

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Arming Pilots Against Terrorism Act".

#### SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 44921. Federal flight deck officer program

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security shall establish a program to deputize qualified volunteer pilots of passenger aircraft as Federal law enforcement officers to defend the flight decks of aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) QUALIFIED PILOT.—Under the program, a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal flight deck officer under the program; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

"(d) DEPUTIZATION.—

"(1) IN GENERAL.—The Under Secretary shall deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Fed-

eral Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary shall authorize a Federal flight deck officer under this section to carry a firearm while engaged in providing air transportation or intrastate air transportation.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of an aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—The term 'pilot' means an individual responsible for the operation of aircraft."

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter is amended by inserting after the item relating to section 44920 the following:

"44921. Federal flight deck officer program."

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921."

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (Public Law 107-71) is repealed.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the Medicare hospital outpatient department prospective payment system; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senator SNOWE to introduce legislation entitled the "Medicare Hospital Outpatient Department Fair Payment Act of 2002" to improve Medicare payments for hospital outpatient department services.

According to the Medicare Payment Advisory Commission, or MedPAC, in its report to Congress this past March. "We estimate that the aggregate Medicare margin for outpatient services

will be -16.3 percent in 2002. Unfortunately, while the Medicare outpatient prospective payment system, or OPPTS, was created to give providers incentives to deliver quality outpatient care and services in an efficient manner, OPPTS reimbursement rates have been set at a level substantially below what is costs hospitals to care for Medicare patients. That is an unsustainable burden for our Nation's hospitals.

This problem is especially acute in rural areas. According to the Medicare Payment Advisory Commission's June 2001 report entitled "Report to Congress: Medicare in Rural America," outpatient costs represent 21.8 percent of total Medicare costs in rural hospitals compared to 16.1 percent in urban hospitals. As MedPAC concludes, "Given their greater reliance on Medicare and on outpatient services within Medicare, rural hospitals have more at stake than their urban counterparts in the move to the outpatient PPS."

In addition, Medicare's payment policy of paying less than cost creates inappropriate incentives for providers to provide services in the setting that receives the most favorable payment rather than the one best suited for the patient. Medicare policy should seek, as best as possible, to pay appropriate amounts to ensure access to care for Medicare beneficiaries in appropriate settings, whether in inpatient hospitals, outpatient care, ambulatory surgical centers, or physician offices.

To provide just one example, the following are the current payment rates for mammography in either a outpatient hospital setting of a physician's office: for unilateral diagnostic mammography, the OPPTS payment is \$30.54 compared to \$38.01 in a physician's office; for bilateral diagnostic mammography, the OPPTS payment is again \$30.54 compared to an even higher \$46.06 in a physician's office; for unilateral digital mammography, OPPTS payment just increased to \$75.00 compared to \$71.31 in a physician's office; and finally, for bilateral digital mammography, the OPPTS payment is \$75.00 compared to \$88.33 in a physician's office.

Why does Medicare pay between 24 percent to 54 percent more for a diagnostic mammography in a physician's office than in an outpatient hospital setting? Such disparities are unjustified and they are even worse for other Medicare services.

To address these problems, the "Medicare Hospital Outpatient Fair Payment Act of 2002" would: increase extremely underfunded emergency room and clinic ambulatory payment classifications, or APC, payment rates in the OPPTS system by 10 percent and require an increase in overall outpatient department payments to be adjusted to 90 percent of overall costs, from the current 84 percent; and improve and extend transitional corridor or "hold harmless" payments to rural hospitals, cancer hospitals, and children's hospitals, and extend the transi-

tional payments to designated eye and ear speciality hospitals.

The first provision would increase funding overall through the outpatient hospital system from 84 percent of cost to 90 percent of cost, still 10 percent less than the hospitals spend in delivering necessary outpatient care, with special focus and priority on payments for emergency room and clinic payments, prevention services, cancer services, and to reduce the disparity between payments in outpatient and alternative settings.

The extension of the transitional corridors or hold harmless payments to rural, cancer, and children's hospitals addresses the particular problems those hospitals are facing with the OPPTS system and adds designated eye and ear speciality hospitals. With regard to rural hospitals, MedPAC recommended that due to the higher unit costs and a greater percentage of care delivered in rural outpatient settings in its June 2001 report entitled "Report to the Congress: Medicare in Rural America," that the data "supports the need for the existing hold-harmless policy" for rural hospitals.

Without the transitional corridor payments to rural hospitals, rural hospitals would be expected to be significant losers, according to MedPAC data. As MedPAC states, "Small rural hospitals were protected to more negatively affected, with those under 50 beds, about 50 percent of rural hospitals, losing 8.5 percent and those with 50-99 beds losing 2.7 percent." Even with the transitional corridor and hold-harmless payments, rural hospitals are still projected to have negative margins of 13.7 percent with respect to outpatient care.

The legislation also addresses problems created by the Balanced Budget Refinement Act of 1999, or BBRA, which established temporary additional Medicare payments, or transitional pass-through payments, for certain innovative medical devices, drugs, and biologics. By establishing the pass-through payments, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare and Medicaid Services, or CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded.

In March 2002, CMS announced a reduction in pass-through payments of 63.6 percent. This reduction means that a pass-through payment of \$1,000 is reduced to just \$364. Again, hospitals cannot continue to provide needed services to beneficiaries with reductions of such a magnitude.

To prevent an event greater reduction in pass-through payments, CMS "folded-in" a significant portion of costs of these new technologies into the base APCs. However, because the law requires that these changes are

made in a budget-neutral manner, this resulted in a substantial reduction in payments for standard outpatient services that do not rely upon high-tech medical devices. In 2002, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of -7.2 percent, causing the substantial reduction in the OPPTS fee schedule amounts.

As MedPAC notes, "If pass-through items are overused and overpaid, APCs that include these technologies will be relatively overpaid while APCs that do not will be underpaid. This process also will have inappropriate distributional effects among hospitals if some hospitals provide more services that use pass-through technologies than others." For example, rural hospitals tend to provide a greater proportion of more basic Services, emergency care services, and fewer services that require advanced technology, according to MedPAC. These are the services particularly hard hit by the budget neutrality provision, and yet, they are certainly not any less expensive than they were last year.

To address these problems with Medicare's pass-through payment system, the bill would: limit the pro-rata reduction in pass-through to 20 percent; and limit the budget neutrality adjustment to no more than 2.0 percent annually.

For New Mexico, the importance of this legislation cannot be overstated. In 2000, New Mexico had over 3.1 million outpatient visits by Medicare beneficiaries for important health concerns. This includes essential services such as diagnostic tests, clinic visits, emergency care treatment, chemotherapy, and surgery. In addition, according to estimates from the American Hospital Association, the impact of this legislation to New Mexico hospitals would be an increase in Medicare payments between \$48 and \$59 million over the next five years.

For an industry attempting to survive cuts to payments from the private sector, Medicare and Medicaid, while also dealing with the Nation's highest percentage of uninsured patients in the country. This legislation is both timely and necessary. It is unjustifiable for Medicare to continue to pay just 84 percent of the cost of care of Medicare beneficiaries.

The bottom line is that this bipartisan legislation will ensure our nation's hospitals a more rationale, fair, and equitable payment system for services delivered to Medicare beneficiaries in an outpatient setting.

I ask unanimous consent for the text of the bill and a copy of a letter to support from AHA to be printed in the RECORD.

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

S. 2457

*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 “Medicare Hospital Outpatient Department Fair Payment Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring adequate OPD fee schedule amounts for clinic and emergency visits.
- Sec. 3. Limitation of pro rata reductions to pass-through payments.
- Sec. 4. Clarifying application of OPD fee schedule increase factor.
- Sec. 5. Limitation on budget neutrality adjustment for annual revisions to system components.
- Sec. 6. Outlier payments.
- Sec. 7. Adjustment to limit decline in payment.
- Sec. 8. Special increase in certain relative payment weights.
- Sec. 9. Permanent extension of provider-based status.

**SEC. 2. ENSURING ADEQUATE OPD FEE SCHEDULE AMOUNTS FOR CLINIC AND EMERGENCY VISITS.**

(a) **IN GENERAL.**—Section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) is amended—

(1) in paragraph (3)(C)(ii)—

(A) by striking “paragraph (8)(B)” and inserting “paragraphs (11)(B) and (13)(A)(i)”;

(B) by striking “clause (iii)” and inserting “clause (iv)”;

(2) in paragraph (3)(C)(iii), by inserting “, paragraph (11)(B), or paragraph (13)(B)” after “this subparagraph”;

(3) in paragraph (3)(D)—

(A) in clause (i), by striking “conversion factor computed under subparagraph (C) for the year” and inserting “applicable conversion factor computed under subparagraph (C), paragraph (11)(B), or paragraph (13)(B) for the year (or portion thereof)”;

(B) in clause (ii), by inserting “, paragraph (9)(A), or paragraph (13)(C)” after “paragraph (2)(C)”;

(4) in paragraph (9), by striking subparagraph (B) and inserting the following new subparagraph:

“(B) **BUDGET NEUTRALITY ADJUSTMENT.**—

“(i) **IN GENERAL.**—If the Secretary makes revisions under subparagraph (A), then the revisions for a year may not cause the estimated amount of expenditures under this part for the year to increase or decrease from the estimated amount of expenditures under this part (including expenditures attributable to the special rules specified in paragraph (13)) that would have been made if the revisions had not been made.

“(ii) **EXEMPTION FROM REDUCTION.**—The relative payment weights determined under paragraph (13)(C) and the conversion factor computed under paragraph (13)(B) shall not be reduced by any budget neutrality adjustment made pursuant to this subparagraph.”;

(5) by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

“(13) **SPECIAL RULES FOR CALCULATING MEDICARE OPD FEE SCHEDULE AMOUNT FOR CLINIC AND EMERGENCY VISITS.**—

“(A) **IN GENERAL.**—In computing the Medicare OPD fee schedule amount under paragraph (3)(D) for covered OPD services that are furnished on or after April 1, 2002, and classified within a group established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic or emergency visits (as described in subparagraph (D)), the Secretary shall—

“(i) substitute for the conversion factor calculated under paragraph (3)(C) the conver-

sion factor calculated under subparagraph (B); and

“(ii) substitute for the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, the relative payment weight determined under subparagraph (C) for such group.

“(B) **CALCULATION OF CONVERSION FACTOR.**—For purposes of subparagraph (A)(i), the conversion factor calculated under this subparagraph is—

“(i) for services furnished on or after April 1, 2002, and before January 1, 2003, an amount equal to 112.82 percent of the conversion factor specified for such period in the final rule published on March 1, 2002 (67 Fed. Reg. 9556 et seq.; entitled ‘Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors’) and not taking into account any subsequent amendments to such final rule; and

“(ii) for services furnished in a year beginning after December 31, 2002, the conversion factor computed under this subparagraph for the previous year (or in the case of 2003, for the previous 9 months) increased by the OPD fee schedule increase factor specified under paragraph (3)(C)(iv) for the year involved.

“(C) **DETERMINATION OF RELATIVE PAYMENT WEIGHTS.**—For purposes of subparagraph (A)(ii), the relative payment weight determined under this subparagraph for a covered OPD service that is classified within such a group is—

“(i) for services furnished on or after April 1, 2002, and before January 1, 2003, the relative payment weight specified for such group for such period in Addendum A of the final rule published on March 1, 2002 (67 Fed. Reg. 9556 et seq.; entitled ‘Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors’) and not taking into account any subsequent amendments to such final rule; and

“(ii) for services furnished in a year beginning on or after January 1, 2003—

“(I) for ambulatory patient classification group 0601 (relating to mid-level clinic visits), or a successor to such group, the relative payment weight specified for such group in the final rule referred to in clause (i); and

“(II) other ambulatory patient classification groups described in subparagraph (D), the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, for such group for such year (but without regard to any budget neutrality adjustment under paragraph (9)(B)).

“(D) **GROUPS FOR CLINIC AND EMERGENCY VISITS.**—For purposes of this paragraph, the groups established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic and emergency visits are ambulatory patient classification groups 0600, 0601, 0602, 0610, 0611, and 0612 as defined for purposes of the final rule referred to in subparagraph (C)(i) (and any successors to such groups).”

(b) **LIMITATION ON SECRETARIAL AUTHORITY.**—Notwithstanding section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)), the Secretary of Health and Human Services may not make any adjustment under—

(1) paragraph (2)(F), (3)(C)(iii), (9)(B), or (9)(C) of section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)); or

(2) any other provision of such section; to ensure that the amendments made by subsection (a) do not cause the estimated amount of expenditures under part B of title

XVIII of such Act (42 U.S.C. 1395j et seq.) to exceed the estimated amount of expenditures that would have been made under such part but for such amendments.

(c) **PERIODIC LUMP-SUM RETROACTIVE PAYMENTS.**—The Secretary of Health and Human Services shall, not later than 60 days after the date of enactment of this Act (and at least every 90 days thereafter until the amendments made by subsection (a) are implemented)—

(1) estimate, for each hospital furnishing services for which payment may be made under section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) on or after April 1, 2002—

(A) the total amount of additional payments under such section that would have been made to such hospital as of the date of such estimate if such amendments had been implemented as of such date; and

(B) the total amount of additional payments under such section that have actually been made to such hospital as of the date of such estimate (including any amounts paid pursuant to this subsection); and

(2) make a lump-sum payment to such hospital equal to the amount by which the amount estimated under paragraph (1)(A) exceeds the amount estimated under paragraph (1)(B).

**SEC. 3. LIMITATION OF PRO RATA REDUCTIONS TO PASS-THROUGH PAYMENTS.**

(a) **IN GENERAL.**—Section 1833(t)(6)(E) of the Social Security Act (42 U.S.C. 1395(t)(6)(E)) is amended—

(1) in clause (i), by striking “The total” and inserting “Subject to clause (iv), the total”;

(2) in clause (iii), by striking “If the Secretary” and inserting “Subject to clause (iv), if the Secretary”;

(3) by adding at the end the following new clause:

“(iv) **LIMITATION ON PRO RATA REDUCTIONS.**—Notwithstanding clauses (i), (ii), and (iii), the Secretary may not reduce the additional payments that would otherwise be made under this paragraph (but for this subparagraph) for items and services furnished on or after April 1, 2002, by a percentage that exceeds 20.0 percent.”

(b) **PERIODIC LUMP-SUM RETROACTIVE PAYMENTS.**—The Secretary of Health and Human Services shall, not later than 60 days after the date of enactment of this Act (and at least every 90 days thereafter until clause (iv) of section 1833(t)(6)(E) of the Social Security Act (as added by subsection (a)(3)) is implemented)—

(1) estimate, for each hospital furnishing services for which payment may be made under section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) on or after April 1, 2002—

(A) the total amount of additional payments under paragraph (6) of such section that would have been made to such hospital as of the date of such estimate if such clause had been implemented as of such date; and

(B) the total amount of additional payments under such paragraph that have actually been made to such hospital as of the date of such estimate (including any amounts paid pursuant to this subsection); and

(2) make a lump-sum payment to such hospital equal to the amount by which the amount estimated under paragraph (1)(A) exceeds the amount estimated under paragraph (1)(B).

**SEC. 4. CLARIFYING APPLICATION OF OPD FEE SCHEDULE INCREASE FACTOR.**

Section 1833(t)(3)(C)(iv) of the Social Security Act (42 U.S.C. 1395(t)(3)(C)(iv)) is amended by adding at the end the following new sentence: “Effective for years beginning



with 2002, the OPD fee schedule increase factor for a year shall take effect on January 1 of such year, and nothing in this subsection shall be construed as authorizing the Secretary to delay the date on which such increase factor takes effect by reason of any delay in implementing the revisions authorized by paragraph (9)(A) for such year or for any other reason."

#### SEC. 5. LIMITATION ON BUDGET NEUTRALITY ADJUSTMENT FOR ANNUAL REVISIONS TO SYSTEM COMPONENTS.

Section 1833(t)(9)(B) of the Social Security Act (42 U.S.C. 1395f(t)(9)(B)), as amended by section 2(a)(4), is amended—

(1) in clause (i), by striking "If the Secretary" and inserting "Subject to clause (iii), if the Secretary"; and

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON ADJUSTMENT.—For years after 2001, the budget neutrality adjustment under this subparagraph may not reduce the payments that would otherwise be made under this part but for this subparagraph by more than 2.0 percent."

#### SEC. 6. OUTLIER PAYMENTS.

Section 1833(t)(5) of the Social Security Act (42 U.S.C. 1395f(t)(5)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking "exceed the applicable" and inserting "exceed a percentage specified by the Secretary that is not less than the applicable minimum percentage or greater than the applicable maximum"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) APPLICABLE PERCENTAGES.—For purposes of clause (i)—

"(I) the term 'applicable minimum percentage' for a year means zero percent for years before 2003 and 2.0 percent for years after 2002; and

"(II) the term 'applicable maximum percentage' for a year means 2.5 percent for years before 2003 and 3.0 percent for years after 2002.";

(2) in subparagraph (D)—

(A) in the heading, by striking "TRANSITIONAL AUTHORITY" and inserting "FLEXIBILITY"; and

(B) in the matter preceding clause (i), by striking "for covered OPD services furnished before January 1, 2002,".

#### SEC. 7. ADJUSTMENT TO LIMIT DECLINE IN PAYMENT.

Section 1833(t)(7) of the Social Security Act (42 U.S.C. 1395f(t)(7)) is amended—

(1) in the heading, by striking "TRANSITIONAL ADJUSTMENT" and inserting "ADJUSTMENT";

(2) in subparagraph (A)—

(A) in the heading, by striking "BEFORE 2002" and inserting "IN GENERAL";

(B) in the matter preceding clause (i)—

(i) by striking "subparagraph (D)" and inserting "subparagraph (B)";

(ii) by striking "furnished before January 1, 2002,"; and

(iii) by striking "subparagraph (E)" and inserting "subparagraph (C)"; and

(C) in clause (i), by striking "subparagraph (F)" and inserting "subparagraph (D)";

(3) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) HOLD HARMLESS PROVISIONS.—

"(i) CANCER, CHILDREN'S, AND SMALL RURAL HOSPITALS.—In the case of a hospital that is described in clause (iii) or (v) of section 1886(d)(1)(B) or is located in a rural area and has not more than 100 beds, for covered OPD services—

"(I) that are furnished on or after the date on which payment is first made under this subsection; and

"(II) for which the PPS amount is less than the pre-BBA amount (or for services

furnished on or after January 1, 2002, is less than the greater of the pre-BBA amount or the reasonable costs incurred in furnishing such services),

the amount of payment under this subsection shall be increased by the amount of such difference.

"(ii) EYE AND EAR HOSPITALS.—In the case of a hospital or unit described in subsection (i)(4), for covered OPD services—

"(I) that are furnished on or after January 1, 2002; and

"(II) for which the PPS amount is less than the greater of the base year amount (which for purposes of this subparagraph shall be determined in the same manner as the pre-BBA amount under subparagraph (D), except that clause (ii)(I) of such subparagraph shall be applied by substituting '2001' for '1996') or the reasonable costs incurred in furnishing such services, the amount of payment under this subsection shall be increased by the amount of such difference.";

(4) in subparagraph (F)(ii)(I), by striking "subparagraph (E)" and inserting "subparagraph (C)"; and

(5) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively.

#### SEC. 8. SPECIAL INCREASE IN CERTAIN RELATIVE PAYMENT WEIGHTS.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395f(t)) is amended—

(1) in paragraph (3)(D)(ii), as amended by section 2(a)(3)(B), by striking "or paragraph (13)(C)" and inserting "paragraph (13)(C), or paragraph (14)";

(2) in paragraph (9)(B)(i), as amended by section 2(a)(4), by inserting "determined without regard to expenditures made by reason of the adjustments required by paragraph (14)" after "paragraph (13)";

(3) in paragraph (12)(C), by striking "paragraph (6)" and inserting "paragraph (9) (including adjustments authorized by paragraph (14))"; and

(4) by redesignating paragraph (14) (as redesignated by section 2(a)(5)) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) REQUIREMENT TO INCREASE RELATIVE PAYMENT WEIGHTS IN CERTAIN CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding the methodologies specified for determining relative payment weights described in paragraphs (2)(C) and (9)(A), for years beginning with 2002, the Secretary shall, as part of the revisions required by paragraph (9)(A), increase the relative payment weight for any group established or revised under paragraph (2)(C) or (9)(A), respectively, above the weight that would otherwise apply to such group under this subsection if the Secretary determines that such an increase is necessary to ensure that the medicare OPD fee schedule amount for the group for the year is not less than 90 percent of the median costs for services classified within the group.

"(B) PRIORITIES.—For purposes of providing for increases under subparagraph (A), the Secretary shall give priority first to preventive services, second to cancer services, third to services for which the medicare OPD fee schedule amount that would otherwise apply is less than the payment level under this title for such services in other settings, and fourth to other services.

"(C) DATA.—The Secretary may base increases under subparagraph (A) on data from any source and is not limited to data appropriate for estimating the costs incurred by hospitals in furnishing such services.

"(D) AGGREGATE EXPENDITURES.—Notwithstanding the application of the percentage specified under subparagraph (A), the Sec-

retary shall provide for increases under such subparagraph for each year so that the estimated amount of additional expenditures attributable to adjustments under such subparagraph is not less than \$1,000,000,000 in such year."

#### SEC. 9. PERMANENT EXTENSION OF PROVIDER-BASED STATUS.

Paragraphs (1) and (2) of section 404(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (113 Stat. 2763A-506), as enacted into law by section 1(a)(6) of Public Law 106-554, are each amended by striking "until October 1, 2002".

AMERICAN HOSPITAL ASSOCIATION,

Washington, DC, May 22, 2002.

Hon. JEFF BINGAMAN,

U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of our nearly 5,000 hospital, health care system, network and other health care provider members, the American Hospital Association is writing to express our strong support for the Medicare Hospital Outpatient Fair Payment Act of 2002 that you have introduced with Sen. Olympia Snowe (R-ME). We believe this bill is an essential component to ensuring that America's Medicare patients receive emergency care and outpatient services, and have equal access to the newest medical technologies.

As hospital care continues to shift to the outpatient setting, it is imperative that Congress begins to address the complex operational issues and payment inequities created by the outpatient prospective payment system (OPPS). While the OPPS was created to give providers incentives to deliver quality care in an efficient manner, outpatient payment rates were set at a level substantially below the costs hospitals incur caring for Medicare patients. Medicare currently pays hospitals only 84 cents for every dollar of outpatient care provided.

Your comprehensive legislation would address problems in the OPPS by extending and enhancing provisions that ensure patient care is not disrupted as hospitals transition into OPPS. We applaud your leadership on this important issue and support swift enactment of this legislation. We look forward to working with you further on this issue.

Sincerely,

RICK POLLACK,  
Executive Vice President.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and good friend Senator BINGAMAN to introduce the Medicare Hospital Outpatient Fair Payment Act of 2002. We are introducing this bill because of the critical importance of outpatient health care services and the devastating impact that the substantial reduction in Medicare payments for outpatient services will have on the delivery of care. Our legislation will increase payment rates for outpatient care to adequate levels to ensure appropriate access to outpatient care for our Nation's seniors. In addition, since the implementation of the new outpatient prospective payment system in August 2000, it has become evident that changes are needed, and this legislation proposes important reforms that will make the system work better for Medicare and for our Nation's seniors.

Our Nation's seniors rely upon outpatient care delivered through the Medicare program. This is the result of trends in medical care that will continue to place a greater emphasis on

the outpatient setting. According to Medpac, the number of outpatient visits increased 73 percent during the 1990s and nearly 5 percent in 2001 alone. New technologies and advances in medicine have made it possible for more and more care to be provided on an outpatient basis, which eliminates the need for an overnight hospital stay. This reduces the cost of care and gets the patient home sooner where recovery can begin. This trend will continue and underscores the importance of having an appropriate Medicare payment system for outpatient care.

Without these vitally needed changes in the Medicare outpatient payment system, our medical care infrastructure will suffer and patient care will be harmed. This March, the Medicare Payment Advisory Commission, Medpac, estimated that the aggregate margin for outpatient services would be minus 16.3 percent in 2002.

Congress created temporary additional payments, or transitional "pass-through" payments, for certain innovative medical devices, drugs and biologicals in the Balanced Budget Refinement Act, BBRA, of 1999. By establishing the pass-through pool, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare & Medicaid Services, CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded. In March 2002, CMS announced a dramatic reduction in pass-through payments of 63.6 percent.

CMS took steps to avoid even greater reductions in the pass through payments by incorporating 75 percent of the device costs into the base ambulatory payment classifications, APC, amounts. Due to a Congressionally-mandated requirement, CMS was required to make this adjustment on a budget neutral basis, with no recognition for the impact of this shift in payment. As a result, Medicare payments were shifted from low-tech services to high-tech services. In addition, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of minus 7.2 percent, causing a substantial reduction in the OPPS fee schedule amounts for 2002.

These shifts in payments that resulted from actions Congress took in the BBRA are greater than intended when it was first enacted. It is clear that corrections to the system are needed. Ironically, if these problems with outpatient payments are not corrected, hospitals will be forced to admit patients into the hospital for treatment that could have been provided more efficiently on an outpatient basis.

To address these problems, we are introducing the Medicare Hospital Outpatient Fair Payment Act of 2002. This comprehensive legislation would address problems within the current

Medicare hospital outpatient payment system. Specifically, it would address the problems outlined here by; increasing extremely underfunded emergency room and clinic ambulatory payment classifications, APC, rates by 10 percent and requiring an increase in overall outpatient payments to 90 percent of overall costs, still 10 percent less than hospitals spend in delivering necessary outpatient care, but an improvement on the current payment of just 84 percent of costs; limiting the pro rata reduction in pass-through payments to 20 percent; and limiting the budget neutrality adjustment to no more than 2.0 percent.

Furthermore, the bill improves and extends transitional corridor payments to rural hospitals, cancer hospitals, and children's hospitals, and extends the provision to designated eye and ear specialty hospitals.

We believe these changes are necessary if we are to preserve the quality of care in the outpatient setting that seniors deserve. Our Nation's seniors rely upon the health care services provided in the outpatient setting and we invite our colleagues on both sides of the aisle to join us in this effort.

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Education Works Act.

In 1996, legislation was passed which made major changes to our welfare laws. Since then, we know that the welfare rolls in most States have dramatically decreased. But reforming welfare is not just about reducing welfare rolls; welfare reform must ultimately be about helping poor individuals achieve self-sufficiency. While many have left welfare for work during the past several years, too many have been left behind because they don't have a high school degree, have little or no work history, have health problems, are in abusive relationships, or are dealing with other circumstances that make it difficult to work. In addition, those who have secured work are working at low wages with limited benefits. These parents experience little earning growth over time, because there are limited opportunities for mobility for those with low skill levels. As we move forward with the reauthorization process, we must do more to support state efforts to help these people find work and to ensure that all individuals leaving welfare are moving to employment that will provide long-term financial independence. The Education Works Act will do just that.

We know that the welfare programs that have been most successful in helping parents work and earn more over

the long run are those that have focused on employment but made substantial use of education and training, together with job search and other employment services. In addition, studies find that helping low-income parents increase their skills pays off in the labor market, particularly through participation in vocational training and postsecondary education and training.

Yet, less than one percent of Federal TANF funds were spent on education and training in 2000 and only five percent of TANF recipients participated in these activities in the same year. This is due in large part to the fact that the '96 law discouraged States from allowing welfare recipients to participate in education and training programs. Specifically, the law limits the extent to which education activities count toward Federal work participation requirements, effectively restricting how long individuals can participate in training and capping how many individuals can receive these services.

The Education Works Act would change this by: clarifying that States have the flexibility to allow participation in postsecondary, vocational English as a Second Language, and basic adult education programs by TANF recipients as part of the TANF work requirements; giving States the flexibility to determine how long each participant may participate in education and training activities while receiving benefits; giving States the flexibility to provide childcare and transportation supports, but not cash benefits, to parents and not toll the 5 year time limit for these individuals if they are participating in a full-time education program that will lead to work and long-term independence; and eliminating the 30 percent cap on the number of TANF recipients that can participate in education and training programs in fulfillment of their work requirements.

These are not radical changes. They do not discourage work, but rather enable it.

It is important to note that of the 21 States that have operated under TANF waivers since 1996, 18 of them had waivers of the requirements we are talking about here. Delaware, Indiana, Montana, Tennessee, Texas, Utah, Vermont and Oregon to name a few. The other 32 States should be given the same flexibility.

In my home State, we have recognized the important role that education and training, including postsecondary education, can play in helping some welfare recipients to improve their skills so that they can get off welfare and stay off welfare. In our State, we already have an "Education Works" program in place. But this program is limited to only 400 participants statewide, because the limitations in the TANF program make it impossible to use Federal TANF funds to implement it. This just doesn't make sense to me. We should give states the flexibility they need to implement the

types of programs that they believe work best. We should hold them accountable for decreasing caseloads over time and, more importantly, demonstrating that those leaving welfare are economically self-sufficient, but we should let them decide how to reach those goals. The Education Works Act would allow them to do just that. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2548

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Works Act of 2002".

#### SEC. 2. COUNTING EDUCATION AND TRAINING AS WORK.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) participation in vocational educational training, postsecondary education, an English-as-a-second-language program, or an adult basic education program;"

#### SEC. 3. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

#### SEC. 4. NONAPPLICATION OF TIME LIMIT TO INDIVIDUALS WHO DO NOT RECEIVE CASH ASSISTANCE AND ARE ENGAGED IN EDUCATION OR EMPLOYMENT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR CERTAIN INDIVIDUALS.—For purposes of this paragraph, child care or transportation benefits provided during a month under the State program funded under this part to an individual who is participating in a full-time educational program or who is employed shall not be considered assistance under the State program."

#### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2002, and shall apply to payments made under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins

after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1966, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2550

*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 "Professional Boxing Amendments Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Title I—Professional Boxing Safety Act Amendments

Sec. 101. Amendment of professional boxing safety act of 1966.

Sec. 102. Definitions.

Sec. 103. Purposes.

Sec. 104. Matches in jurisdictions without commissions.

Sec. 105. Safety standards.

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Sec. 119. Effective date.

#### TITLE I—PROFESSIONAL BOXING SAFETY ACT AMENDMENTS

##### SEC. 101. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1966.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1966 (15 U.S.C. 6301 et seq.).

##### SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

##### "SEC. 2. DEFINITIONS.

"In this Act:

"(1) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

"(2) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(3) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized

under State or tribal law to regulate professional boxing matches.

"(4) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

"(5) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(6) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(7) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(8) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

"(9) LOCAL BOXING AUTHORITY.—The term 'local boxing authority' means—

"(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

"(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

"(10) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

"(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

"(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' term does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

"(14) PROMOTER.—The term 'promoter' means the person primarily responsible for organizing, promoting, and producing a professional boxing match. The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a promoter and a boxer under which the boxer grants to a promoter the exclusive right to secure and arrange all professional boxing matches requiring the boxer's services for—

"(A) a prescribed period of time; or

"(B) a prescribed number of professional boxing matches.

"(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of

the United States, including the Virgin Islands.

“(17) **EFFECTIVE DATE OF THE CONTRACT.**—The term ‘effective date of the contract’ means the day upon which a boxer becomes legally bound by the contract.

“(18) **SANCTIONING ORGANIZATION.**—The term ‘sanctioning organization’ means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

“(A) between boxers who are residents of different States; or

“(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

“(19) **SUSPENSION.**—The term ‘suspension’ includes within its meaning the revocation of a boxing license.

“(20) **TRIBAL ORGANIZATION.**—The term ‘tribal organization’ has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

“(21) **UNITED STATES BOXING ADMINISTRATION.**—The terms ‘United States Boxing Administration’ and ‘Administration’ means the United States Boxing Administration established by section 202.”

(b) **CONFORMING AMENDMENT.**—Section 21 (15 U.S.C. 6312) is amended to read as follows:

**“SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, an Indian tribe shall establish a boxing commission—

“(1) to regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

“(2) to carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

“(b) **STANDARDS AND LICENSING.**—If a tribal organization regulates professional boxing matches pursuant to subsection (a), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

“(1) the otherwise applicable standards and requirements of a State in which the Indian lands are located; or

“(2) the most recently published version of the recommended regulatory guidelines published by the United States Boxing Administration.”

**SEC. 103. PURPOSES.**

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ‘State’.

**SEC. 104. MATCHES IN JURISDICTIONS WITHOUT COMMISSIONS.**

(a) **IN GENERAL.**—Section 4 (15 U.S.C. 6303) is amended to read as follows:

**“SEC. 4. BOXING MATCHES IN JURISDICTIONS WITHOUT BOXING COMMISSIONS.**

“(a) **IN GENERAL.**—No person may arrange, promote, organize, produce, or fight in a professional boxing match in a State or on Indian land unless the match—

“(1) is approved by the United States Boxing Administration; and

“(2) is supervised by a boxing commission that is a member of the Association of Boxing Commissions.

“(b) **APPROVAL PRESUMED.**—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

“(1) a match with respect to which the Administration has notified the supervising boxing commission that it does not approve;

“(2) a match advertised to the public as a championship match; or

“(3) a match scheduled for 10 rounds or more.

“(c) **NOTIFICATION; ASSURANCES.**—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide in writing to the Administration and the supervising boxing commission, assurances that all applicable requirements of this Act will be met with respect to that professional boxing match.”

(b) **CONFORMING AMENDMENT.**—Section 19 (15 U.S.C. 6310) is repealed.

**SEC. 105. SAFETY STANDARDS.**

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking “requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers;” and inserting “requirements;”;

(2) by adding at the end of paragraph (1) “The examination shall include testing for infectious diseases in accordance with standards established by the Administration.”;

(3) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(5) by striking “match.” in paragraph (5), as redesignated, and inserting “match in an amount prescribed by Administration.”

**SEC. 106. REGISTRATION.**

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting “or Indian tribe” after “State” the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting “A boxing commission shall, in accordance with requirements established by the United States Boxing Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”;

(3) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum.”; and

(4) by adding at the end the following:

“(d) **COPY OF REGISTRATION TO BE SENT TO USB.**—A boxing commission shall furnish a copy of each registration received under subsection (a) to the United States Boxing Administration.”

**SEC. 107. REVIEW.**

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

“(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.”;

(2) by striking subsection (b); and

(3) by striking “(a) PROCEDURES.”

**SEC. 108. REPORTING.**

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking “48 business hours” and inserting “2 business days”; and

(2) by striking “each boxer registry.” and inserting “the United States Boxing Administration.”

**SEC. 109. CONTRACT REQUIREMENTS.**

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

**“SEC. 9. CONTRACT REQUIREMENTS.**

“(a) **IN GENERAL.**—The United States Boxing Administration, in consultation with the

Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that should be included in bout agreements and boxer-manager contracts. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

“(b) **FILING REQUIREMENT.**—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it.

“(c) **BOND OR OTHER SURETY.**—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission and the Administration.”

**SEC. 110. COERCIVE CONTRACTS.**

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting “or elimination” after “mandatory” in subsection (b).

**SEC. 111. SANCTIONING ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 11 (15 U.S.C. 6307c) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **OBJECTIVE CRITERIA.**—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2002, the United States Boxing Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for objective and consistent written criteria for the rating of professional boxers which shall include the athletic merits of the boxers. Within 90 days after the Administration's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.”;

(2) by striking so much of subsection (b) as precedes paragraph (1) and inserting the following:

“(b) **APPEALS PROCESS.**—If a sanctioning organization receives a request from a boxer questioning that organization's rating of the boxer, it shall (except to the extent otherwise required by the United States Boxing Administration), within 7 days after receiving the request—”;

(3) by inserting “rating” before “criteria” in subsection (b)(1);

(4) by striking “and” after the semicolon in subsection (c)(1);

(5) by striking “an association to which at least a majority of the State boxing commissions belong.” in subsection (c)(2) and inserting “the boxer and the Administration.”;

(6) by adding at the end of subsection (c) the following:

“(3) provides the boxer an opportunity to appeal the ratings change; and

“(4) applies the objective criteria for ratings required under subsection (a) in considering any such appeal.”; and

(7) by striking “rating;” in subsection (d)(1)(C) and inserting “rating, which incorporates the objective criteria for ratings required under subsection (a);”

(b) **TECHNICAL AMENDMENT.**—Section 11(d)(1) (15 U.S.C. 6307c(d)(1)) is amended by striking “ABC—” and inserting “Association of Boxing Commissions—”

**SEC. 112. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.**

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on the Indian lands responsible for regulating the match a statement of—”;

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

### SEC. 113. REQUIRED DISCLOSURES BY PROMOTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

"(a) DISCLOSURES TO THE BOXING COMMISSIONS.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State responsible for regulating the match and the Administration—";

(2) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(3) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a statement of all fees, charges, and expenses that have been, or will be,";

(4) by striking the matter in subsection (b) following "BOXER.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match with whom the promoter has a promotional agreement shall provide to each boxer participating in the match—"; and

(5) by striking "match;" in subsection (b)(1) and inserting "match, or that the promoter has paid, or agreed to pay, to any other person in connection with the match;".

### SEC. 114. CONFIDENTIALITY.

Section 15 (15 U.S.C. 6307g) is repealed.

### SEC. 115. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) LICENSING AND ASSIGNMENT REQUIREMENT.—" before "No person";

(2) by inserting "or Indian lands" after "State"; and

(3) by adding at the end the following:

"(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the United States Boxing Administration.

"(c) SANCTIONING ORGANIZATION TO PROVIDE LIST.—A sanctioning organization—

"(1) shall provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

"(2) may not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

"(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or tribal land if the judge or referee is licensed by a boxing commission.

"(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian lands a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration.".

(b) CONFORMING AMENDMENTS.—

(1) Section 14 (15 U.S.C. 6307f) is repealed.

(2) Section 18(b)(2) (15 U.S.C. 6309(b)(2)) is amended by striking "14,".

### SEC. 116. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

#### "SEC. 14. MEDICAL REGISTRY.

"(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical suspensions for every licensed boxer.

"(b) CONTENT; SUBMISSION.—The Administration shall determine—

"(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

"(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

"(c) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to sanctioning organizations that will—

"(1) protect the health and safety of boxers by making relevant information available to the organizations for use but not public disclosure; and

"(2) ensure that the privacy of the boxers is protected.".

### SEC. 117. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert "OR TRIBAL" in the section heading after "STATE"; and

(2) by inserting "or Indian tribe" after "State".

### SEC. 118. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

The Act is amended by adding at the end the following:

#### "TITLE II—UNITED STATES BOXING ADMINISTRATION

"Sec. 201. Purpose.

"Sec. 202. Establishment of United States Boxing Administration.

"Sec. 203. Functions.

"Sec. 204. Licensing and registration of boxing personnel.

"Sec. 205. National registry of boxing personnel.

"Sec. 206. Consultation requirements.

"Sec. 207. Misconduct.

"Sec. 208. Noninterference with local boxing authorities.

"Sec. 209. Assistance from other agencies.

"Sec. 210. Reports.

"Sec. 211. Initial implementation.

"Sec. 212. Authorization of appropriations.

#### "SEC. 201. PURPOSE.

"The purpose of this title is to protect the health and safety of boxers and to ensure fairness in the sport.

#### "SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

"The United States Boxing Administration is established as an administration of the Department of Labor.

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall be—

"(A) an individual with experience in a field directly related to professional sports; and

"(B) selected on the basis of the individual's training, experience, and qualifications and without regard to party affiliation.

"(3) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"The Administrator of the United States Boxing Administration."

"(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

"(1) serve as Administrator in the absence of the Administrator or in the event of a vacancy in that office; and

"(2) carry out such duties as the Administrator may assign.

"(d) STAFF.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

#### "SEC. 203. FUNCTIONS.

"(a) PRIMARY FUNCTION.—The primary function of the Administration is to protect the health, safety, and general interests of boxers consistent with the provisions of this Act.

"(b) SPECIFIC FUNCTIONS.—The Administrator shall—

"(1) administer title I of this Act;

"(2) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

"(3) work with sanctioning organizations, the Association of Boxing Commissions, and the boxing commissions of the several States and tribal organizations—

"(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

"(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

"(C) to improve the status and standards of professional boxing in the United States;

"(4) ensure, through the Attorney General, the Federal Trade Commission, and other appropriate officers and agencies of the Federal government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

"(5) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

"(6) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

"(7) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication consistent with the purposes of the Administration;

"(8) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

"(9) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

"(c) PROHIBITIONS.—The Administration may not—

"(1) promote boxing events or rank professional boxers; or

"(2) provide technical assistance to, or authorize the use of the name of the Administration by, States and Indian tribes that do not comply with requirements of the Administration.

"(d) USE OF NAME.—The Administration shall have the exclusive right to use the name 'United States Boxing Administration'. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of

any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

**"SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.**

"(a) LICENSING.—

"(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match, serve as a boxing manager, boxing promoter, sanctioning organization, or broadcast a professional boxing match except as provided in a license granted to that person under this subsection.

"(2) APPLICATION AND TERM.—

"(A) IN GENERAL.—The Administration shall—

"(i) establish an application procedure, form, and fee;

"(ii) establish appropriate standards for licenses granted under this section; and

"(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

"(B) DURATION.—A license issued under this section shall be for a renewable—

"(i) 4-year term for a boxer; and

"(ii) 2-year term for any other person.

"(C) PROCEDURE.—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

"(b) LICENSING FEES.—

"(1) AUTHORITY.—The Administration may prescribe and charge fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

"(2) AMOUNTS.—The amounts of fees prescribed for a fiscal year under this subsection shall be set at levels estimated, when set, to yield collections in any total amount that is not more than 10 percent of the total budget of the Administration for that fiscal year.

"(3) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely effected;

"(B) sanctioning organizations and promoters pay the largest portion of the fees; and

"(C) boxers pay as small a portion of the fees as is possible.

"(4) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration. Fees paid by boxing promoters may be derived from gross receipts from professional boxing matches.

"(5) DEPOSIT OF COLLECTIONS.—Moneys received from fees established under this section shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Administration.

**"SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.**

"(a) REQUIREMENT FOR REGISTRY.—The Administration shall maintain a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

"(b) CONTENTS.—The information in the registry shall include the following:

"(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 14 of this Act, which the Administration shall secure from disclosure in

accordance with the confidentiality requirements of section 14(c).

"(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

**"SEC. 206. CONSULTATION REQUIREMENTS.**

"The Administration shall consult with local boxing authorities—

"(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(2) not less than once each year regarding matters relating to professional boxing.

**"SEC. 207. MISCONDUCT.**

"(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

"(1) AUTHORITY.—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

"(A) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest; or

"(B) there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license.

"(2) PERIOD OF SUSPENSION.—

"(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

"(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension of the license of a boxer for medical reasons, the Administration may terminate the suspension at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

"(b) INVESTIGATIONS AND INJUNCTIONS.—

"(1) AUTHORITY.—The Administration may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

"(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this title, in the prescribing of regulations under this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

"(2) POWERS.—

"(A) IN GENERAL.—For the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

"(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of

any documents under subparagraph (A) may be required from any place in the United States or any State at any designated place of hearing.

"(3) ENFORCEMENT OF SUBPOENAS.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that Court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF.—If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) MANDAMUS.—Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Administration.

"(d) INTERVENTION IN CIVIL ACTIONS.—

"(1) IN GENERAL.—The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a United States district court.

"(2) AMICUS FILING.—The Administration may file a brief in any action filed in a court



of the United States on behalf of the public interest in any case relating to professional boxing.

“(e) **HEARINGS BY ADMINISTRATION.**—Hearings conducted by the Administration under this title may be public and may be held before any officer of the Administration or before a State boxing commission. The Administration shall keep appropriate records of the hearings.

**“SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.**

“(a) **NONINTERFERENCE.**—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

“(b) **MINIMUM STANDARDS.**—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

**“SEC. 209. ASSISTANCE FROM OTHER AGENCIES.**

“Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

**“SEC. 210. REPORTS.**

“(a) **ANNUAL REPORT.**—The Administration shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

“(1) A detailed discussion of the activities of the Administration for the year covered by the report.

“(2) A description of the local boxing authority of each State and Indian tribe.

“(b) **PUBLIC REPORT.**—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing and commenting on issues of continuing concern to the Administration.

“(c) **FIRST ANNUAL REPORT ON THE ADMINISTRATION.**—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

**“SEC. 211. INITIAL IMPLEMENTATION.**

“(a) **TEMPORARY EXEMPTION.**—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a State or Indian tribe to perform that activity as of the effective date of this title.

“(b) **EXPIRATION.**—The exemption under subsection (a) with respect to a license issued by a State or Indian tribe expires on the earlier of—

“(A) the date on which the license expires; or

“(B) the date that is 2 years after the date of the enactment of this Act.

**“SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

“(a) **IN GENERAL.**—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

“(b) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.”.

**SEC. 119. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this Act shall take effect one year after the date of the enactment of this Act, except that the provisions of sections 202, 203, and 204 of title II of the Professional Boxing Safety Act of 1996, as added by section 118 of this Act, shall take effect on the date of enactment of this Act.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Pathways to Self-Sufficiency Act of 2002. I am pleased to be joined in introducing this important legislation by my colleagues Senators BAUCUS and BINGAMAN.

This legislation is based upon the highly esteemed Maine program called Parents as Scholars. This program, which uses State Maintenance of Effort, (MOE), dollars to pay TANF-like benefits to those participating in post-secondary education, is a proven success in my State and is a wonderful foundation for a national effort.

We all agree that the 1996 welfare reform effort changed the face of this Nation's welfare system to focus it on work. To that end, I believe that this legislation bolsters the emphasis on “work first.” Like many of my colleagues, I agree that the shift in the focus from welfare to work was the right decision, and that work should be the top priority. However, for those TANF recipients who cannot find a good job that will put them on the road toward financial independence, education might well be the key to a successful future of self-sufficiency.

As we have seen in Maine that education has played a significant role in breaking the cycle of welfare and giving parents the skills necessary to find better paying jobs. And we all know that higher wages are the light at the end of the tunnel of public assistance.

The Pathways to Self-Sufficiency Act of 2002 provides State with the option to allow individuals receiving Federal TANF assistance to obtain post-secondary or vocational education. This legislation would give States the ability to use Federal TANF dollars to give those who are participating in vocational or post-secondary education the same assistance as they would receive if they were working.

We all know that supports like income supplements, child care subsidies, and transportation assistance among others, are essential to a TANF recipient's ability to make a successful transition to work. The same is true for those engaged in longer term educational endeavors. This assistance is especially necessary for those who are undertaking the challenge and the financial responsibility of post-secondary education, in the hopes of increasing their earning potential and employability. The goal of this program is to give participants the tools necessary to succeed into the future so that they can become, and remain, self-sufficient.

Choosing to go to college requires motivation, and graduating from college requires a great deal of commitment and work, even for someone who isn't raising children and sustaining a family. These are significant challenges, and that's even before taking into consideration the cost associated with obtaining a bachelor's degree, with a four year program at the University of Maine currently costing almost \$25,000. This legislation would provide those TANF recipients who have the ability and the will to go to college the assistance they need to sustain their families while they get a degree.

The value of promoting access to education in this manner to get people off public assistance is proven by the success of Maine's Parents as Scholars, PaS, program. Maine's PaS graduates earn a median wage of \$11.71 per hour after graduation up from a median of \$8.00 per hour prior to entering college. When compared to the \$7.50 median hourly wage of welfare leavers in Maine who have not received a post-secondary degree, PaS graduates are earning, on average, \$160 more per week. That translates into more than \$8,000 per year—a significant difference.

Furthermore, the median grade point average for PaS participants while in college was 3.4 percent, and a full 90 percent of PaS participants' GPA was over 3.0. These parents are giving their all to pull their families out of the cycle of welfare.

Recognizing that work is a priority under TANF, and building upon the successful Maine model, the Pathways to Self-Sufficiency Act requires that participants in post-secondary and vocational education also participate in work. During the first two years of their participation in these education programs, students must participate in a combination of class time, study time, employment or work experience for at least 24 hours per week, the same hourly requirement that the President proposes in his welfare reauthorization proposal.

During the second two years, for those enrolled in a four year program, the participant must work at least 15 hours in addition to class and study time, or engage in a combination of activities, including class and study

time, work or work experience, and training, for an average of 30 hours per week. And all the while, participants must maintain satisfactory academic progress as defined by their academic institution.

The bottom line is that if we expect parents to move from welfare to work and stay in the work force, we must give them the tools to find good jobs. For some people that means job training, for others that could mean dealing with a barrier like substance abuse or domestic violence, and for others, that might mean access to education that will secure them a good job and that will get them off and keep them off of welfare.

The experience of several Parents as Scholars graduates were recently captured in a publication published by the Maine Equal Justice Partners, and their experiences are testament to the fact that this program is a critically important step in moving towards self-sufficiency. In this report one PaS graduate said of her experience, "If it weren't for 'Parents as Scholars' I would never have been able to attend college, afford child care, or put food on the table. Today, I would most likely be stuck in a low-wage job I hated, barely getting by . . . I can now give my children the future they deserve."

Another said, "By earning my Bachelor's degree, I have become self sufficient. I was a waitress previously and would never have been able to support my daughter and I on the tips that I earned. I would encourage anyone to better their education if possible."

These are but a few comments from those who have benefited from access to post-secondary education. And, while these women have been able to attend college and pursue good jobs thanks to the good will and the support of the people of Maine, PaS has strained the State's budget. Giving States the option to use Federal dollars to support these participants will make a tremendous difference in their ability to sustain these programs which have proven results. In Maine, nearly 90 percent of working graduates have left TANF permanently, and isn't that our ultimate goal?

I look forward to working with my colleagues to include this legislation in the upcoming welfare reauthorization. It is a critical piece of the effort to move people from welfare to work permanently and it has been missing from the Federal program for too long.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will finally bring closure to the concerns of many Alaska Native veterans who served their country during the Vietnam war.

When the Alaska Native Claims Settlement Act, ANCSA, was signed into law by President Nixon in 1971, many Alaska Natives were serving in our military. Because of their service, many were unable to apply for Native land allotments under the Native Allotment Act, a program that was ended with the enactment of ANCSA. Alaska Natives who did not serve during the Vietnam conflict were able to apply for lands under the Native Allotment Act but those who did serve had little chance to apply under the circumstances.

I think everyone here will agree that allowing these veterans the same advantages as those who did not serve in the military during the Vietnam conflict is only fair. The main problem is that when we first addressed this inequity in 1998, the terms we set were so restrictive that presently only 60 out of a possible 1,110 veterans who could qualify even have the chance of receiving an allotment. That is a paltry 5 percent of all that could have otherwise qualified. This is simply not acceptable. My legislation addresses the restrictive terms we unknowingly set in the 1998 amendment in three ways: First, my legislation will expand the military service dates of the program so that they coincide with the official dates of the Vietnam conflict. We ought not to complicate matters by using any dates other than those that the Veteran's Administration has officially determined are within the Vietnam conflict era. Those dates are August 5, 1964 through May 7, 1975.

Secondly, my legislation will replace the current use and occupancy requirements with a simplified approval process, just like the one established under the Alaska National Interest Lands Conservation Act. By adopting the same legislative approval process that other allotment programs used, this legislation will avoid the lengthy delays, costly adjudications and burdensome requirements that Alaska Native veterans are currently facing. If we do not correct this particular problem now, many Alaska Native veterans will die before they ever have their applications approved. We cannot allow this to happen to them.

Finally, my legislation will extend the application deadline and expand the available land choices so that the Alaska Native veterans who could qualify for allotments will have the time and allotment options they need in order to participate.

I hope my colleagues will join me in making these simple, common sense changes so that this group of veterans can secure the land allotments they deserve.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 116—TO EXPRESS THE SENSE OF THE CONGRESS REGARDING DYSPRAXIA

Ms. LANDRIEU (for herself and Mr. BREAU) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 116

Whereas an estimated 1 in 20 children suffers from the developmental disorder dyspraxia;

Whereas 70 percent of those affected by dyspraxia are male;

Whereas dyspraxics may be of average or above average intelligence but are often behaviorally immature;

Whereas symptoms of dyspraxia consist of clumsiness, poor body awareness, reading and writing difficulties, speech problems, and learning disabilities, even though not all of these will apply to every dyspraxic;

Whereas there is no cure for dyspraxia, but the earlier a child is treated the greater the chance of developmental maturation;

Whereas dyspraxics may be shunned within their own peer group because they do not fit in;

Whereas most dyspraxic children are dismissed as "slow" or "clumsy" and, therefore, not properly diagnosed;

Whereas more than 50 percent of educators have never heard of dyspraxia;

Whereas education and information about dyspraxia are important to its detection and treatment; and

Whereas Congress as an institution, and members of Congress as individuals, are in unique positions to help raise the public awareness about dyspraxia: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) all Americans should be more informed about dyspraxia, its easily recognized symptoms, and proper treatment; and

(2) teachers, principals, and other educators should be encouraged to learn to recognize the symptoms of dyspraxia and similar disorders in the classroom so that these children will have a better chance of receiving early and effective treatment.

### SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution which was referred to the Committee on Foreign Relations:

S. RES. 274

Whereas the United States maintains vitally important alliances with Japan and the Republic of Korea;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup will be the first World Cup to be co-hosted by two nations;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas for 72 years, the World Cup has symbolized the assemblage of nations to celebrate fair-play, sportsmanship, and diversity of cultures;

Whereas 32 nations, including the United States, have qualified to compete from May 31 through June 30 of 2002, and will send an estimated 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest heretofore;

Whereas Japan and the Republic of Korea have invested significant resources to host a successful World Cup; and

Whereas the co-hosting of this international sporting event fosters cooperation and contributes to peace and stability in Northeast Asia: Now, therefore, be it

*Resolved*, That the Senate—

(1) appreciates and values the relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends 2002 FIFA World Cup organizers from Japan and the Republic of Korea for the significant preparations they have made for a successful World Cup; and

(3) recognizes and applauds the cooperation between the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest World Cup competition in the history of the sport.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3531. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3532. Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3533. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3534. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3535. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3536. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. REID (for Mr. HARKIN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3537. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3538. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3539. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3540. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3541. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3542. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3543. Mr. LEVIN (for himself, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3544. Mr. CAMPBELL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans' memorials, and for other purposes.

SA 3545. Mr. REID (for Mr. VOINOVICH (for himself, Mr. LIEBERMAN, Mr. BUNNING, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mr. CONRAD, Mr. DAYTON, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. MILLER, Mr. THOMPSON, Mr. BOND, and Ms. COLLINS)) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

SA 3546. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 327, supra.

#### TEXT OF AMENDMENTS

**SA 3531.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word "SEC." and insert the following:

##### **FAIR WHEAT TRADE.**

(a) **SHORT TITLE.**—This section may be cited as the "Wheat Trade Fairness Act of 2002".

(b) **FINDINGS.**—Congress finds the following:

(1) The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage United States wheat farmers and undermine the integrity of the trading system.

(2) The Canadian Wheat Board is able to take sales from United States farmers, because it—

(A) is insulated from commercial risks;

(B) benefits from subsidies;

(C) has a protected domestic market and special privileges; and

(D) has competitive advantages due to its monopoly control over a guaranteed supply of wheat.

(3) The Canadian Wheat Board is insulated from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing and initial payments to farmers.

(4) The Canadian Wheat Board benefits from subsidies and special privileges, such as government-owned railcars, government-guaranteed debt, and below market borrowing costs.

(5) The Canadian Wheat Board has a competitive advantage due to its monopoly control over a guaranteed supply of wheat that Canadian farmers are required to sell to the Board, and monopoly control to export western Canadian wheat which allows the Canadian Wheat Board to enter into forward contracts without incurring commercial risks.

(6) Canada's burdensome regulatory scheme controls the varieties of wheat that can be marketed and restricts imports of United States wheat.

(7) The wheat trade problem with Canada is longstanding and affects the entire United States wheat industry by displacing sales of United States wheat domestically and in foreign markets.

(8) The acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States wheat commerce.

(9) Since entering into the United States-Canada Free Trade Agreement, United States wheat producers have been continuously threatened by the unfair practices of the Canadian Wheat Board.

(10) The United States Department of Agriculture figures confirm that United States wheat farmers have lost domestic market share to Canadian Wheat Board imports consistently since the implementation of the United States-Canada Free Trade Agreement; and

(11) United States wheat producers are faced with low prices as a result of the Canadian Wheat Board's unfair pricing in domestic markets. United States wheat producers have experienced a steep decline in farm income, have increasing carryover stock, and face increasing indebtedness.

(c) **RESPONSE TO UNFAIR TRADE PRACTICES BY CANADIAN WHEAT BOARD.**—Since the United States Trade Representative made a positive finding that the practices of the Canadian Wheat Board involved subsidies, protected domestic market, and special benefits and privileges that disadvantage United States wheat farmers and infringe on the integrity of a competitive trading system, it is the sense of the Congress that United States Trade Representative should pursue multiple avenues to seek relief for U.S. wheat farmers from the wheat trading practices of the Government of Canada and the Canadian Wheat Board, including through:

(1) a thorough examination of a possible dispute settlement case against the Canadian Wheat Board in the World Trade Organization; (2) working with the North Dakota Wheat Commission and the U.S. wheat industry to examine the possibility of action under title VII of the Tariff Act of 1930 with respect to countervailing and antidumping duties against Canadian wheat; (3) in the newly launched round of the World Trade Organization, pursuing permanent reform of the Canadian Wheat Board through the development of new disciplines and rules on state trading enterprises that export agricultural goods which include—

(A) ending exclusive export rights to ensure private sector competition in markets controlled by single desk exporters;

(B) eliminating the use of government funds or guarantees to support or ensure the financial viability of single desk exporters; and

(C) establishing WTO requirements for notifying acquisition costs, export pricing, and other sales information for single desk exporters; and

(4) working with the U.S. wheat industry to identify specific impediments to U.S. wheat entering Canada and presenting these to the Canadians so as to ensure the possibility of fair, two-way trade.

**SA 3532.** Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "SEC." and insert the following:

##### **PROVISIONS RELATING TO SECONDARY WORKERS.**

(a) **CERTAIN PROVISIONS NOT TO APPLY.**—Paragraphs (11) and (24) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) DEFINITIONS.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) DOWNSTREAM PRODUCER.—The term “downstream producer” means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) SUPPLIER.—The term “supplier” means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term “supplier” also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

**SA 3533.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following new section:

**SEC. \_\_\_\_ PROVISIONS RELATING TO SECONDARY WORKERS.**

(a) CERTAIN PROVISIONS NOT TO APPLY.—Paragraphs (11) and (24) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) DEFINITIONS.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) DOWNSTREAM PRODUCER.—The term “downstream producer” means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) SUPPLIER.—The term “supplier” means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term “supplier” also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

**SA 3534.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert in lieu thereof the following:

“Notwithstanding any other provision of this act, section 1143 of this Act shall not take effect.”

**SA 3535.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

“Notwithstanding any other provision of this Act, section 1143 of this Act shall not take effect.”

**SA 3536.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. REID (for Mr. HARKIN) to the amendment SA 3401 proposed by Mr. BAUCUS

(for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all and insert the following:

At the end of section 2102(b), insert the following:

(15) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(ii) clarifying the right under Article XX(a) and (b) of GATT 1994 to enact and enforce national measures that are necessary to protect public morals and to protect animal or plant life and health, including measures that limit or ban the importation of goods or services rendered in international trade that are produced through the use of the worst forms of child labor;

(iii) ensuring that any multilateral or bilateral trade agreement that is entered into by the United States obligates all parties to such agreements to enact and enforce national laws that satisfy their international legal obligations to prevent the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) providing for strong enforcement of international and national laws that obligate all trading nations to prevent the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

**SA 3537.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

“Strike Section 1143, and insert in lieu thereof the following:

**“SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The tariff Act of 1930 is amended by inserting after section 582 the following:

**“SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

“(a) EXAMINATION.—

“(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by

the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

“(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

“(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

“(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

“(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(E) Section 336 of the Arms Export Control Act (22 U.S.C. 2778).

“(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the Postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a customs officer.

“(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

“(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

“(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

“(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

“(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

“(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

“(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(H) Merchandise mailed in violation of section 336 of the Arms Export Control Act (22 U.S.C. 2778).

“(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.”

**SA 3538.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

“Strike Section 1143, and insert in lieu thereof the following:

**"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

**"SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 5 POUNDS.—(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING LESS THAN 5 POUNDS.—No provision of this Section shall apply to the treatment of mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds."

**SA 3539.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert en lieu thereof the following:

"Strike Section 1143, and insert en lieu thereof the following:

**"SEC. 1143. BORDERS SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

**"SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 5 POUNDS.—(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING LESS THAN 5 POUNDS.—No provision of this Section shall apply to the treatment of mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds."

**SA 3540.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert en lieu thereof the following:

"Strike Section 1143, and insert en lieu thereof the following:

**"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

**"SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

“(B) Sections 1461, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

“(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

“(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

“(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

“(A) Monetary instruments, as defined in section 1956 of title 18, United States code.

“(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

“(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

“(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

“(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

“(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.”

**SA 3541.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Notwithstanding any other provision of law, the amounts appropriated by section 1304(a) of Pub. L. 97-258, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of \$3.3 million to the European Communities in connection with the World Trade Organization dispute on Section 110(5) of the U.S. Copyright Act.

**SA 3542.** Mr. STEVENS (for himself and Mrs. MURRAY) submitted an

amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following new section:

#### SEC. \_\_\_\_ REVIEW OF IMPORTS.

(a) APPLICATION OF REVIEWED PRODUCTS.—In this section “reviewed imported products” shall mean those imported products with Harmonized System (HS) numbers 0302.1200.03, 0303.2200.00, 0304.1040.93, 0304.2060.06, and 0305.4100.00, and any similar product that is or may in the future be canned and is intended for human consumption.

(b) IN GENERAL.—Beginning on May 1, 2002, the amount of reviewed imported products that may be imported into the United States from any country during May, June, July and August of each year may not exceed the qualified amount, notwithstanding any provision of law to the contrary.

(b) QUALIFIED AMOUNT.—

(1) GENERAL RULE.—For purposes of this section, the term “qualified amount” means an amount that does not exceed 33 percent of the average annual amount of reviewed imported products from a country during the preceding 10-year period.

(2) ANNUAL CALCULATION.—Beginning on January 1, 2003, and each year thereafter, the Commissioner of Customs shall publish in the Federal Register—

(A) the quantity of reviewed imported products from each country for the preceding 10-year period; and

(B) the qualified amount of review imported products that can be imported from each country for the months of May, June, July, and August of that year.

(3) SPECIAL RULE FOR 2002.—Not later than 10 days after the date of enactment of this section, the Commissioner of Customs shall estimate and publish in the Federal Register the qualified amount of reviewed imported products that may be imported during May, June, July, and August of 2002.

(4) PRODUCT-FORM STANDARDIZATION.—In calculating the qualified amount for this section the Secretary shall use industry accepted recovery rates of resources used to produce reviewed imported products to ensure the qualified amount of such products being imported during May, June, July, and August is accurate relative to annual imports of the whole resource used to produce reviewed imported products.

**SA 3543.** Mr. LEVIN (for himself, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 228, line 21, insert after “exports” the following: “(including motor vehicles and vehicle parts)”.

**SA 3544.** Mr. CAMPBELL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans’ memorials, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Memorial Preservation and Recognition Act of 2002”.

#### SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS’ MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1369. Destruction of veterans’ memorials

“(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) A circumstance described in this subsection is that—

“(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

“(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“1369. Destruction of veterans’ memorials.”.

#### SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

**SA 3545.** Mr. REID (for Mr. VOINOVICH (for himself, Mr. LIEBERMAN, Mr. BUNNING, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mr. CONRAD, Mr. DAYTON, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. MILLER, Mr. THOMPSON, Mr. BOND, and Ms. COLLINS)) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Paperwork Relief Act of 2002”.

#### SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”), is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and



(3) by adding at the end the following:

“(6) publish in the Federal Register and make available on the Internet (in consultation with the Small Business Administration) on an annual basis a list of the compliance assistance resources available to small businesses, with the first such publication occurring not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.”.

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT.—Section 3506 of title 44, United States Code, is amended by adding at the end the following:

“(i)(1) In addition to the requirements described in subsection (c), each agency shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

“(2) Each point of contact described under paragraph (1) shall be established not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.”.

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking “; and” and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(4) in addition to the requirements of this chapter regarding the reduction of information collection burdens for small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.”.

### SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating section 3520 as section 3521; and

(2) by inserting after section 3519 the following:

#### “§ 3520. Establishment of task force on information collection and dissemination

“(a) There is established a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (in this section referred to as the ‘task force’).

“(b)(1) The Director shall determine—

“(A) subject to the minimum requirements under paragraph (2), the number of representatives to be designated under each subparagraph of that paragraph; and

“(B) the agencies to be represented under paragraph (2)(K).

“(2) After all determinations are made under paragraph (1), the members of the task force shall be designated by the head of each applicable department or agency, and include—

“(A) 1 representative of the Director, who shall convene and chair the task force;

“(B) not less than 2 representatives of the Department of Labor, including 1 representative of the Bureau of Labor Statistics and 1 representative of the Occupational Safety and Health Administration;

“(C) not less than 1 representative of the Environmental Protection Agency;

“(D) not less than 1 representative of the Department of Transportation;

“(E) not less than 1 representative of the Office of Advocacy of the Small Business Administration;

“(F) not less than 1 representative of the Internal Revenue Service;

“(G) not less than 2 representatives of the Department of Health and Human Services, including 1 representative of the Centers for Medicare and Medicaid Services;

“(H) not less than 1 representative of the Department of Agriculture;

“(I) not less than 1 representative of the Department of the Interior;

“(J) not less than 1 representative of the General Services Administration; and

“(K) not less than 1 representative of each of 2 agencies not represented by representatives described under subparagraphs (A) through (J).

“(c) The task force shall—

“(1) identify ways to integrate the collection of information across Federal agencies and programs and examine the feasibility and desirability of requiring each agency to consolidate requirements regarding collections of information with respect to small business concerns within and across agencies, without negatively impacting the effectiveness of underlying laws and regulations regarding such collections of information, in order that each small business concern may submit all information required by the agency—

“(A) to 1 point of contact in the agency;

“(B) in a single format, such as a single electronic reporting system, with respect to the agency; and

“(C) with synchronized reporting for information submissions having the same frequency, such as synchronized quarterly, semiannual, and annual reporting dates;

“(2) examine the feasibility and benefits to small businesses of publishing a list by the Director of the collections of information applicable to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), organized—

“(A) by North American Industry Classification System code;

“(B) by industrial sector description; or

“(C) in another manner by which small business concerns can more easily identify requirements with which those small business concerns are expected to comply;

“(3) examine the savings, including cost savings, and develop recommendations for implementing—

“(A) systems for electronic submissions of information to the Federal Government; and

“(B) interactive reporting systems, including components that provide immediate feedback to assure that data being submitted—

“(i) meet requirements of format; and

“(ii) are within the range of acceptable options for each data field;

“(4) make recommendations to improve the electronic dissemination of information collected under Federal requirements;

“(5) recommend a plan for the development of an interactive Governmentwide system, available through the Internet, to allow each small business to—

“(A) better understand which Federal requirements regarding collection of information (and, when possible, which other Federal regulatory requirements) apply to that particular business; and

“(B) more easily comply with those Federal requirements; and

“(6) in carrying out this section, consider opportunities for the coordination—

“(A) of Federal and State reporting requirements; and

“(B) among the points of contact described under section 3506(i), such as to enable agencies to provide small business concerns with contacts for information collection requirements for other agencies.

“(d) The task force shall—

“(1) by publication in the Federal Register, provide notice and an opportunity for public comment on each report in draft form; and

“(2) make provision in each report for the inclusion of—

“(A) any additional or dissenting views of task force members; and

“(B) a summary of significant public comments.

“(e) Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (1), (2), and (3) to—

“(1) the Director;

“(2) the chairpersons and ranking minority members of—

“(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

“(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

“(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

“(f) Not later than 2 years after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (4) and (5) to—

“(1) the Director;

“(2) the chairpersons and ranking minority members of—

“(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

“(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

“(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

“(g) The task force shall terminate after completion of its work.

“(h) In this section, the term ‘small business concern’ has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

“3520. Establishment of task force on information collection and dissemination.

“3521. Authorization of appropriations.”.

### SEC. 4. REGULATORY ENFORCEMENT REPORTS.

(a) DEFINITION.—In this section, the term “agency” has the meaning given that term under section 551 of title 5, United States Code.

(b) IN GENERAL.—

(1) INITIAL REPORT.—Not later than December 31, 2003, each agency shall submit an initial report to—

(A) the chairpersons and ranking minority members of—

(i) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

(B) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

(2) FINAL REPORT.—Not later than December 31, 2004, each agency shall submit a final report to the members and officer described under paragraph (1) (A) and (B).

(3) CONTENT.—The initial report under paragraph (1) shall include information with

respect to the 1-year period beginning on October 1, 2002, and the final report under paragraph (2) shall include information with respect to the 1-year period beginning on October 1, 2003, on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

(4) **DEFINITIONS IN REPORTS.**—Each report under this subsection shall include definitions selected at the discretion of the reporting agency of the terms “enforcement actions”, “reduction or waiver”, and “small entity” as used in the report.

**SA 3546.** Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Amend the title so as to read: “A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. on “Promoting Local Telecommunications Competition: The Means to Greater Broadband Deployment.”

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, May 22, 2002, at 9:30 a.m. in SD-106. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President’s recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President’s recommendation.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. for a business meeting to consider pending business.

#### Agenda

##### Legislation

1. S. 2452, The National Homeland Security and Combating Terrorism Act of 2002.

2. S. 2530, A bill to amend the Inspector General Act of 1978 to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

3. S. 1713, The Alaska Bypass Mail, Passenger and Freight Stability Act of 2001. (Contingent upon Subcommittee action.)

4. Postal Office Naming Bills: (Contingent upon Subcommittee action.)

(a) S. 1970, A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building.”

(b) H.R. 3789, (House companion bill to S. 1970) An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building.”

(c) S. 1983, A bill to designate the facility of the United States Postal Service located at 201 Main Street in Lake Placid, New York, as the “John A. ‘Jack’ Shea Post Office Building.”

(d) S. 2217, A bill to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building.”

(e) H.R. 1366, (House companion bill to S. 2217) An act to designate the facility of the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building.”

(f) S. 2433, A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”

(g) H.R. 4486, (House companion bill to S. 2433) An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”

(h) H.R. 1374, An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the “Philip E. Ruppe Post Office Building.”

(i) H.R. 3960, An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the “Joseph W. Westmoreland Post Office Building.”

5. Other Matters: To authorize the issuance of a subpoena to the Executive Office of the President in connection with the Committee’s investigation regarding Enron Corp. The subpoena will seek documents relating to certain communications with or about Enron.

6. Nominations:

(a) Todd Walther Dillard, to be United States Marshal for the Superior Court of the District of Columbia;

(b) Paul A. Quander, Jr., to be Director of the District of Columbia Court Services and Offender Supervision Agency; and

(c) Robert R. Rigsby, to be an Associate Judge of the Superior Court of the District of Columbia.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 22, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1340, a bill to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.

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

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled “Unleashing the Power of Entrepreneurship: Stimulating Investment in America’s Small Businesses” on Wednesday, May 22, 2002, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 22, 2002 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

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

##### SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on Wednesday, May 22, 2002, at 1 p.m. on evaluation of the Federal regulation of boxing.

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

##### SUBCOMMITTEE ON CRIME AND DRUGS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on “Federal Cocaine Sentencing Policy” on Wednesday, May 22, 2002, at 10:30 a.m. in room 226 of the Dirksen Senate Office Building.

##### Witness List

Panel I: The Honorable Diana E. Murphy, Chair, United States Sentencing Commission, Washington, DC; and the Honorable Roscoe C. Howard, United States Attorney for the District of Columbia, Washington, DC.

Panel II: The Honorable Charles J. Hynes, District Attorney, Kings County, New York; Charles Schuster, Ph.D.,

Professor, Wayne State University, Detroit, Michigan; and William Graham Otis, Adjunct Professor of Law, George Mason University Law School, Alexandria, Virginia.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 22, 2002, at 2:30 p.m. on the Federal Research and Development Budget and National Science Foundation.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P.L. 103-227, reappoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Republican leader: Earline N. Ashley, of Mississippi, Representative of Human Resources; Ronald K. Robinson, of Mississippi, Representative of Labor.

EXTENSION OF EXPORT-IMPORT BANK AUTHORITY

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 4782, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4782) to extend the authority of the Export-Import Bank until June 14, 2002.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The bill (H.R. 4782) was read the third time and passed.

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL OFFICE CENTER

Mr. REID. I ask unanimous consent that we now proceed to H.R. 4608, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4608) to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed,

and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The bill (H.R. 4608) was read the third time and passed.

BOB HOPE VETERANS CHAPEL

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 4592, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4592) to name the chapel located in the national cemetery of Los Angeles, California, as the "Bob Hope Veterans Chapel."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

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

The bill (H.R. 4592) was read the third time and passed.

PERMISSION FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the committees may file committee reported legislative and executive calendar business on Wednesday, May 29, from 11 a.m. to 1 p.m., notwithstanding the recess or adjournment of the Senate.

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

MEASURE READ THE FIRST TIME—S. 2538

Mr. REID. Mr. President, S. 2538, introduced today by Senators Kennedy and others, is at the desk. I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 2538) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. REID. I ask for its second reading but object to my own request on behalf of the Republican side.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2002

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of the Calendar No. 363, S. 1644.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1644) to further the protection and recognition of veterans' memorials, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Campbell amendment in the nature of a substitute be agreed to and the bill as amended be read the third time, passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

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

The amendment (No. 3544) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2002".

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“§ 1369. Destruction of veterans' memorials

“(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) A circumstance described in this subsection is that—

“(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

“(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“1369. Destruction of veterans' memorials.”.

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

The bill (S. 1644), as amended, was read the third time and passed.

SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. REID. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 327, the Small Business Paperwork Relief Act, and that the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand that Senator VOINOVICH, Senator LIEBERMAN, and others have an amendment at the desk.

I ask unanimous consent that the amendment be agreed to, the motion to reconsider be laid upon the table, the bill, as amended, be read three times and passed; that the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be agreed to; and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

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

The amendment (No. 3545) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 3546) was agreed to, as follows:

Amend the title so as to read: "A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes."

The bill (H.R. 327), as amended, was passed.

Mr. LIEBERMAN. Mr. President. I am very pleased to support final passage of H.R. 327, the Small Business Paperwork Relief Act of 2002, with an amendment in the nature of a substitute proposed by Senator VOINOVICH and me and Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, LINCOLN, MILLER, AND THOMPSON.

America's small businesses are a critical part of the nation's economy and a key driver of new job growth. Small businesses face particular challenges in complying with government information-collection requirements. H.R. 327 contains several provisions to help small businesses in this area. This bill aids small businesses in understanding and complying with Federal information-collection requirements, mandates a study of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities.

Last year, Senator VOINOVICH introduced S. 1271, which is a companion bill to H.R. 327, on behalf of himself and Senators LINCOLN and LEAHY. The bill now has 13 additional cosponsors: Sen-

ators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LIEBERMAN, MILLER, and THOMPSON. The Governmental Affairs Committee reported out S. 1271 on November 14, 2001, and the Senate passed the bill by unanimous consent on December 17, 2001. The House had earlier passed H.R. 327, and, following Senate action on S. 1271, I worked with Members of the Senate and the House—primarily, Senator VOINOVICH and Representatives BURTON, WAXMAN, OSE, and TIERNEY—to try and resolve differences between the House and Senate bills. These discussions were successful, resulting in a bipartisan, bicameral agreement on consensus legislation, and Senator VOINOVICH and I and other Senators are offering this consensus legislation as an amendment in the nature of a substitute to H.R. 327 for final passage by the Senate.

I thank Senator VOINOVICH and his staff for their leadership and hard work on this legislation in the Senate, and also Representatives BURTON, WAXMAN, OSE, and TIERNEY and their staffs for their leadership and hard work in the House and for working with us to reach consensus on this valuable legislation to help small businesses.

Senator VOINOVICH and I have prepared a section-by-section description of this consensus amendment, including a summary of the purposes and legislative history of this legislation, and I ask unanimous consent that it be printed in the RECORD.

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

#### H.R. 327—CONSENSUS AMENDMENT, PURPOSES AND SUMMARY, SECTION-BY-SECTION DESCRIPTION, AND LEGISLATIVE HISTORY

##### I. PURPOSES AND SUMMARY

H.R. 327, as amended, helps small businesses. The bill aids small businesses in understanding and complying with Federal information-collection requirements, mandates a study of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities. The legislation includes the following provisions to help small businesses:

The Office of Management and Budget (OMB) will annually publish in the Federal Register and make available on the Internet a list of the compliance assistance resources available to small businesses.

Each agency will establish a single point of contact within the agency to serve as liaison with small business concerns with respect to the collection of information and the control of paperwork.

Each agency will make efforts to further reduce the information collection burden for very small business concerns with fewer than 25 employees.

An interagency task force will be convened to study measures to streamline information collection requirements for small businesses and to strengthen dissemination of information by the Federal Government. Among other things, the task force will identify ways to integrate the collection of information from small businesses across agencies

and programs, will make recommendations for electronic reporting and dissemination of information, and will recommend a plan for an interactive government website to help small businesses understand which federal information-collection requirements apply to its business.

Each agency will submit an initial report and final report on the number of enforcement actions in which civil penalties were assessed, the number of such actions against small entities, the number of such actions in which civil penalties were reduced or waived, and the amount of such reductions and waivers. Requiring this information will facilitate congressional oversight.

#### II. SECTION-BY-SECTION DESCRIPTION OF THE CONSENSUS AMENDMENT

##### Section 1. Short title

Section 1 of the bill provides that the Act may be cited as the "Small Business Paperwork Relief Act of 2002."

##### Section 2. Facilitation of compliance with federal paperwork requirements

Publication of list of compliance-assistance resources. Subsection (a) of section 2 of the bill adds a new paragraph to the Paperwork Reduction Act (PRA), at 44 U.S.C. §3504(c)(6). The new paragraph (6), read together with existing subsection (c), requires that, with respect to the collection of information and the control of paperwork, the Director of the Office of Management and Budget (OMB) will publish in the Federal Register and make available on the Internet a list of compliance assistance resources available to small businesses. The Director is instructed to do this in consultation with the Small Business Administration. The applicable definition of "collection of information" in the PRA, at 44 U.S.C. §3502(3), includes an agency's questions and record-keeping requirements posted to, or imposed upon, 10 or more persons to obtain information or require its disclosure. The purpose of this subsection of the bill is to provide small businesses a resource to help them quickly and efficiently find the compliance assistance they need.

Agency point of contact. Subsection (b) of section 2 of the bill adds a new subsection to the PRA, at 44 U.S.C. §3506(i), requiring that, with respect to the collection of information and the control of paperwork, each agency must establish one point of contact to act as liaison between the agency and small business concerns. The applicable definition of "agency," as set forth in the PRA at 44 U.S.C. §3502(1), includes generally any department, Government corporation, or other establishment in the executive branch, including independent regulatory agencies. The bill also makes applicable the definition of "small business concern" in the Small Business Act, at 15 U.S.C. §632. The purpose of this subsection of the bill is to establish the place in each agency that small businesses can contact when they need help with respect to information collection or the control of paperwork.

Further efforts to reduce paperwork for very small enterprises. Subsection (c) of section 2 of the amendment adds a new paragraph to the PRA, at 44 U.S.C. §3506(c)(4), requiring that, in addition to the requirements of the PRA regarding the reduction of information collection burdens for small business concerns generally, each agency must make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.

##### Section 3. Establishment of task force on information collection and dissemination

Section 3(a) of the bill adds a new section to the PRA, at 44 U.S.C. §3520, entitled "Establishment of task force on information collection and dissemination."

Establishment of task force and statement of purposes. Subsection (a) of new 44 U.S.C. §3520 establishes a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information.

Selection of task force members. Subsection (b) of new 44 U.S.C. §3520 provides for the selection of individuals to serve on the task force. The Director of OMB will determine the number of representatives to be designated by each of the several departments and agencies listed in the bill (subject to the minimum requirements stated in the bill), and will also name two additional agencies that will designate representatives on the task force. The heads of those departments and agencies will select individuals to serve as members of the task force. The Director also will select a representative of the Director, who will convene and chair the task force.

Task force assignments. Paragraphs (1) through (6) of subsection (c) of new 44 U.S.C. §3520 direct the task force to do the following:

Paragraph (1)—Identify ways to integrate information collection and examine whether, and to what extent, it would be feasible and desirable to require agencies to consolidate requirements regarding collections of information within and across agencies (without negatively impacting the effectiveness of underlying laws and regulations) in order to enable each small business concern to submit required information—(A) to one point of contact in the agency, (B) in a single format, such as an electronic reporting system, or (C) with synchronized reporting for submissions having the same frequency, such as by allowing all quarterly reports to be submitted on the same date each quarter, allowing all annual reports to be submitted on the same date each year, etc.

Paragraph (2)—Examine whether, and to what extent, it would be feasible and beneficial to small businesses to the Director to publish a list of all collections of information applicable to small business concerns organized by North American Industry Classification System (NAICS) code, by industrial sector description, or in another manner by which small business concerns can more easily identify applicable requirements.

Paragraph (3)—Examine the savings and develop recommendations for implementing—(A) electronic submissions to the Federal Government, and (B) interactive reporting systems providing immediate feedback to the submitter to assure that data being submitted are appropriate.

Paragraph (4)—Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

Paragraph (5)—Recommend a plan for the development of an interactive Internet-based system to allow each small business to better understand which Federal information-collection requirements (and where possible, other Federal regulatory requirements) are applicable, and to more easily comply with those requirements.

Paragraph (6)—In carrying out its responsibilities, consider opportunities for the coordination of Federal and State reporting requirements, and for the coordination among the points of contact established pursuant to the bill to enable agencies, e.g., to provide contact information at other agencies.

Notice-and-comment procedure for task force. Subsection (d) of new 44 U.S.C. §3520 requires the task force, by publication in the Federal Register, to provide notice and an opportunity for comment on each report in draft form, and to make provision in each re-

port for the inclusion of any separate views of task force members and a summary of significant public comments.

Task force reports. Subsections (e) and (f) of new 44 U.S.C. §3520 require the task force to submit its first report not later than one year after enactment of the bill and its second report not later than two years after enactment of the bill. The first report will be of the task force's findings under paragraphs (1), (2), and (3) of subsection (c) of new 44 U.S.C. §3520, and the second report will be of the task force's findings under paragraphs (4) and (5) of subsection (c) of new 44 U.S.C. §3520. (Those paragraphs (1) through (5) are summarized above.) The task force shall submit both its first and second reports to the Director of OMB, to certain committees of Congress identified in the bill, and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

Termination of task force. Subsection (g) of new 44 U.S.C. §3520 provides that the task force shall terminate upon completion of its work.

Definition of "small business concern." Subsection (h) of new 44 U.S.C. §3520 makes applicable the definition of "small business concern" in the Small Business Act, 15 U.S.C. §632.

#### Section 4. Regulatory enforcement reports

Section 4 of the bill requires that each agency shall submit an initial report and a final report on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under items (A) and (B), above, in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under item (C), above.

Each report shall include the definitions, selected at the discretion of the agency submitting the report, of the terms "enforcement actions," "reduction or waiver," and "small entity" as used in the report. This provision, recognizing that agencies have different policies governing their enforcement activities and different ways of tracking these activities, seeks to avoid placing undue reporting burdens on agencies.

The initial report shall include information with respect to the 1-year period beginning on October 1, 2002, and shall be submitted not later than December 31, 2003. The final report shall include information with respect to the 1-year period beginning on October 1, 2003, and shall be submitted not later than December 31, 2004. Each agency shall submit the initial report and the final report to certain committees of Congress identified in the bill and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

For purposes of this section, the term "agency" has the meaning under 5 U.S.C. §551, which is the definition under the Administrative Procedures Act, and agencies as so defined are required to submit the reports under this section.

#### III. LEGISLATIVE HISTORY

H.R. 327 was introduced by Rep. Dan Burton on January 31, 2001, and was referred to the Committee on Government Reform and to the Committee on Small Business. The bill now has 11 cosponsors. At the Government Reform Committee, the bill was further referred to the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

On March 15, 2001, H.R. 327 was brought before the Committee of the Whole House and

then before the House. A managers' amendment in the nature of a substitute was agreed to by voice vote, and then H.R. 327, as so amended, was passed by a unanimous vote of 416 to 0. On that same day, H.R. 327 was received in the Senate and referred to the Committee on Governmental Affairs.

A companion bill in the Senate, S. 1271, was introduced on July 30, 2001, by Senator Voinovich, for himself and Senators Lincoln and Leahy, and was referred to the Governmental Affairs Committee. The bill now has 13 additional cosponsors: Senators Bond, Bunning, Carnahan, Carper, Cleland, Collins, Conrad, Dayton, Jeffords, Kerry, Lieberman, Miller, and Thompson.

S. 1271 was considered by the Governmental Affairs Committee at its business meeting on November 14, 2001, where Senator Voinovich offered an amendment in the nature of a substitute, which included suggestions made by Senator Lieberman and others. The Committee adopted the amendment by voice vote and ordered the bill, as amended, favorably reported by voice vote.

On December 17, 2001, the Senate by unanimous consent agreed to a technical amendment to S. 1271 offered on behalf of Senator Lieberman and an additional amendment offered on behalf of Senator Kerry, and passed S. 1271 as so amended.

This Consensus Amendment is based primarily on the provisions of H.R. 327, as it passed the House, and the provisions of S. 1271, as it passed the Senate. Bipartisan, bicameral discussions among interested Members of the House and Senate—principally, Representatives Burton, Waxman, Ose, and Tierney and Senators Lieberman and Voinovich—yielded this consensus proposal.

Principal differences between the Consensus Amendment and the two earlier bills, S. 1271 and H.R. 327, include:

The Consensus Amendment requires that the Director of OMB publish annually a list of compliance assistance resources available to small businesses. This requirement was in S. 1271 but not in H.R. 327.

The Consensus Amendment, like H.R. 327, spells out a more detailed and extensive agenda for the task force than S. 1271 in the areas of electronic submission and dissemination of information. Also like H.R. 327, the Consensus Amendment requires the task force to issue two reports, one year after enactment and two years after enactment, whereas S. 1271 required only a single report one year after enactment.

The Consensus Amendment, like S. 1271, instructs the task force to examine the feasibility and helpfulness of publishing an annual list by the Director of OMB of information-collection requirements applicable to small business concerns, organized by North American Industrial Classification or another useful system. H.R. 327 instead included a requirement that the Director annually publish such a list.

The Consensus Amendment provides that the task force will examine whether agencies should be required to allow small businesses to synchronize reporting for submissions having the same frequency, e.g., by filing quarterly reports on the same date each quarter. S. 1271 included no corresponding provision. H.R. 327, on the other hand, provided that the task force would examine whether agencies should be required to allow submissions "on the same date." The Consensus Amendment provision is derived from H.R. 327, but is limited to submissions having the same frequency, to clarify that the provision does not include changing the frequency of periodic reports, e.g., by converting a quarterly report into an annual report so that information for the entire year could be filed "on the same date" as another annual report.

The Consensus Amendment requires the task force to publish notice and to provide an opportunity for comment on each report in draft form, and to make provision in each report for the inclusion of any separate views of task force members and a summary of significant public comments. This provision is found in neither S. 1271 nor H.R. 327.

Like S. 1271, the Consensus Amendment includes a section requiring agencies to submit reports providing data about enforcement and penalty actions against both small entities and all entities. H.R. 327 contains no such provision. The section in the Consensus Amendment is based on S. 1271, but with modifications to clarify the agencies' reporting obligations and to avoid unnecessary burden on agencies. Whereas the reports under S. 1271 would have been due one year after enactment and every two years thereafter, the Consensus Amendment provides lead time by establishing the first due date on December 31, 2003, and requires one further report due one year later. Also, the Consensus Amendment specifies the one-year reporting period to be covered by each report, and states explicitly that each agency has discretion in defining certain terms as used in the agency's reports.

Mr. VOINOVICH. Mr. President, I am pleased that today the Senate has passed H.R. 327, the Small Business Paperwork Relief Act of 2002.

As my colleagues know, small businesses are the backbone of our economy and significantly important to the fiscal health of the United States. Small businesses constitute more than 90 percent of this nation's employers, employ 53 percent of the private workforce, and create approximately 74 percent of this country's new jobs.

While on the whole, America's small business owners are successful, the numerous federal paperwork requirements that they must face, I believe, have had a negative impact on further entrepreneurial growth in the United States. There is little doubt that America's small business owners could be even more successful if they were able to devote more time and resources to their businesses instead of mountains of federal paperwork. That is why I introduced S. 1271, the Senate companion to H.R. 327, on July 30, 2001. I was pleased when the Senate passed S. 1271 on December 17, 2001.

This "good government" legislation continues the efforts on the part of Congress to streamline and reduce paperwork burdens on small businesses and help increase the productivity of American business. The Office of Management and Budget (OMB) has estimated that the federal paperwork burden is 7.2 billion hours annually, at a cost of some \$190 billion per year. Small business owners are particularly hurt by regulatory and paperwork burdens. The Small Business Administration (SBA) estimates that the costs to small businesses are a staggering \$5,100 per employee. While many of these requirements are important and necessary, the high costs of understanding them and complying with them can sometimes prevent small businesses from being able to expand or even stay afloat. In some cases, this burden can deter entrepreneurs from opening in the first place.

The Small Business Paperwork Relief Act of 2002 will help improve the ability of small business owners to understand and comply with federal regulations and paperwork mandates through the following helpful provisions:

A requirement for the Office of Management and Budget to annually publish in the Federal Register and on the Internet a list of the compliance assistance resources available to small businesses;

A requirement for each federal agency to establish a single point of contact to help small business owners fill out forms and comply with federal regulations;

A requirement for each federal agency to make further efforts to reduce paperwork for small businesses with fewer than 25 employees;

The establishment of an interagency task force to develop an interactive government web-site to help each small business owner understand which federal paperwork requirements and regulations apply to his or her business;

An amendment to the Small Business Regulatory Enforcement Fairness Act (SBREFA) to require that each agency provide information on the number of enforcement actions in which civil penalties are assessed, the number of such actions against small entities, the number of such actions in which civil penalties are reduced or waived, and the monetary amount of each reduction or waiver.

I am pleased that the Senate has taken action in considering this important legislation, and I am also pleased that the bill enjoys bipartisan support. I would particularly like to thank Senator BLACHE LINCOLN for joining me in introducing this bill. I would also thank Senators LIEBERMAN and THOMPSON for cosponsoring this legislation and for their strong leadership in advancing it through the Governmental Affairs Committee and the Senate. I would like to thank all of the other cosponsors of S. 1271, Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, and MILLER for their strong support.

I would also recognize Representatives DAN BURTON and DOUG OSE and their staffs for their strong leadership in crafting, introducing and passing this measure in the House. I would like to thank Representative HENRY WAXMAN and JOHN TIERNEY and all the members of the House of Representatives who supported this bipartisan effort.

The Bush Administration is to be commended for their support of this bill and I appreciate the valuable recommendations of the Office of Management and Budget that will make this bill more effective in helping our Nation's small business owners. It is my hope that the House of Representatives will pass this final version of this measure shortly and that we will have a final bill for the President's signature very soon.

The many business groups who have lent their support and helped us craft a solid bill are also deserving of mention, particularly: the National Federation of Independent Businesses; the U.S. Chamber of Commerce; the American Farm Bureau Federation; the Cleveland Growth Association; the Associated Builders and Contractors; the National Association of Convenience Stores; the American Feed Industry Association; the National Association of Manufacturers; the National Tooling and Machining Association; National Small Business United; the National Restaurant Association; the National Pest Management Association; the Academy of General Dentistry; the American Road and Transportation Builders Association; the Small Business Coalition for Regulatory Relief; the Small Business Legislative Council; the Small Business Survival Committee; the Agricultural Retailer Association; the Associated General Contractors; the Automotive Parts and Service Alliance; the Food Marketing Institute; the National Automobile Dealers Association; the National Business Association; the National Roofing Contractors Association; the Society of American Florists and the North American Equipment Dealers Association.

Finally, I would like to thank David Gray, a former employee of my Subcommittee staff, for all of his hard work on this legislation.

Once again, I am pleased that the Senate has acted to provide relief to small business owners. This bill will help save time and money and will allow small business owners the ability to better understand and comply with federal regulations and paperwork requirements. It is good for the country and good for our economy, and I thank my colleagues for their support in passing this bill today.

Mrs. LINCOLN. Mr. President, every once in a while this body passes legislation that just makes good common sense. Today is such an occasion. I am pleased that the Senate will vote today on the conference report on the Small Business Paperwork Relief Act, a bill that Senator VOINOVICH and I first introduced in July of 1999.

I want to thank my good friend Senator VOINOVICH for his leadership on this issue. His staff members and former staff members, David Gray, Kathleen Braun, and Kristine Simmons, put in countless hours meeting with members of the business community, firefighters and the environmental community to achieve the balance that is represented here today. I also want to thank Senator LIEBERMAN, without whose help we could not be here today. Senator LIEBERMAN, as Chairman of the Governmental Affairs Committee, steered this legislation to its final form, and Larry Novey of his staff was invaluable. Kelly Rucker Bingel of my staff worked on this bill from its inception in 1999, and I thank her for her efforts.



Since I began public service as a member of the House of Representatives in January of 1993, I have looked for opportunities to ease the regulatory burden on small businesses. They are the backbone of our economy in Arkansas.

As I said when we first introduced this bill in 1999, the federal government should be a help to small businesses, not a hindrance. We should always seek to ensure that federal policies don't place undue burdens on small business owners and tie their hands in red tape.

Small businesses are hit hardest by federal regulations. According to a recent study conducted for the Small Business Administration, "firms employing fewer than 20 employees face an annual regulatory burden of \$6,975 per employee, a burden nearly 60 percent above that facing a firm employing over 500 employees." This does not even take into account state and local government paperwork.

I have been told that federal paperwork burdens rank just behind taxes and the cost of health care as the top problems facing members of the National Federation of Independent Businesses.

This bill establishes a single point-of-contact for small businesses in each federal agency that governs small businesses. Second, it requires the OMB Director to annually publish in the Federal Register and on the Internet a list of compliance assistance resources available to small businesses. Third, it establishes a task force to determine how to streamline paperwork requirements for small businesses. It directs the task force to look at creating a single reporting format for all agencies that could be filed simultaneously and electronically. It is our hope that these steps will make it easier for businesses to access information and will allow policymakers to more easily identify and eliminate duplicative regulations.

The original version of this bill, S. 1378, from the 106th Congress, suspended civil fines on small businesses for first-time paperwork violations if they corrected their error. Our thought behind suspending fines for first-time violators was that a majority of small business owners who neglect to file a certain form are simply overwhelmed with paperwork and don't realize their error. We thought that small business owners should be given a chance to correct the problem before they were slapped with a fine. I am disappointed that this final version does not include the fine suspension, but as I often tell my constituents, we can't let the perfect be the enemy of the good. So I am delighted to see final passage of this bill.

#### APPRECIATION TO SENATOR DAYTON

Mr. REID. Mr. President, I express my appreciation to you for being so patient. It has taken many hours that we didn't anticipate to get to this point

tonight. But for your patience, we would have been in real trouble. I appreciate very much your being courteous, as always. I appreciate that very much.

#### ORDERS FOR THURSDAY, MAY 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Thursday, May 23, at 9:30 a.m.; that following the prayer and pledge the Journal of proceeding be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the Republican leader, or his designee, and the second half under the control of the Democrat leader, or his designee; and, that at 10:30 a.m. the Senate resume consideration of the bill.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there being no further business that I know of to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:19 p.m., adjourned until Thursday, May 23, 2002, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 22, 2002:

##### DEPARTMENT OF STATE

TONY P. HALL, OF OHIO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

##### THE JUDICIARY

JAY S. BYBEE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTER R. HUG, JR., RETIRED.

TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE NEW POSITION CREATED BY PUBLIC LAW 106-113, APPROVED NOVEMBER 29, 1999.

JAMES C. DEVER, III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. JAMES W. METZGER, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

##### To be major

SHAWN E. CONNORS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 624:

##### To be colonel

JAMES E. AGNEW, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

MICHAEL J. HAMILTON, 0000  
KURT R. LAVIN, 0000  
HELEN F. SCHENCK, 0000  
MICHAEL K. WEBB, 0000  
JAMES W. YOUKER, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

JEFFREY A. KNUDSON, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

GEORGE B. PARISI, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

##### To be commander

PETER C BONDY, 0000  
LAWRENCE E CRIMMINS, 0000  
FRANK VERNET, 0000

##### To Be Lieutenant Commander

MOHAMAD ALSAWAF, 0000  
DOUGLAS ANDERSON III, 0000  
BRIAN D CLEMENT, 0000  
WILLIAM J DARNEY III, 0000  
JOHN A DEMERS, 0000  
DOUGLAS H DOUGHTY JR., 0000  
GARY S GLUCK, 0000  
RICHARD A GRAHAM, 0000  
JOSEPH W HARMON, 0000  
DOUGLAS W KING, 0000  
THOMAS R LATENDRESSE, 0000  
DAVID A LEAL, 0000  
MELINDA M LUKEHART, 0000  
ALAN F NORDHOLM, 0000  
IVAN C PIERCE, 0000  
MAE M POUGET, 0000  
BRIAN P POWERS, 0000  
THEODORE D SHAW, 0000  
DARCY M SHIRLEY, 0000  
CRAIG A STAPLETON, 0000  
PHILIP L SUNDEL, 0000  
GARY J WALKER, 0000

##### To be lieutenant

ROBERTO M ALVARADO, 0000  
ROBERT A ARMSTRONG, 0000  
STEVEN W ASHTON, 0000  
VERA C AUGE, 0000  
TIMOTHY M BAGLEY, 0000  
STEPHEN D BALK, 0000  
DANIEL J BALSINGER, 0000  
BABAK A BARAKAT, 0000  
BRADLEY M BARET, 0000  
ROBERT S BELTZ, 0000  
LAURIE S BELTZ, 0000  
LAURA A BENNETT, 0000  
ENRIQUE C BERNAL JR., 0000  
BRANNON S BICKEL, 0000  
ROBERT D BLONDIN, 0000  
SCOTT M BOAMAN, 0000  
DRUMMOND R BOORD, 0000  
JOEL L BOUVE, 0000  
DANIEL B BOZUNG, 0000  
JONATHAN J BRADFORD, 0000  
DARRIN BRANSON, 0000  
JASON J BRIANA, 0000  
CHARLES E BRICE JR., 0000  
WRAY W BRIDGER, 0000  
KENDALL G BRIDGEWATER, 0000  
ERIC H BRONNER, 0000  
ROBERT E BROOKS JR., 0000  
GARY L BROWN, 0000  
KATHERINE J BROWN, 0000  
TIMOTHY A BROWN, 0000  
DONALD R BRUS, 0000  
ROBERT T BYRANS, 0000  
SCOTT L BUCHANAN, 0000  
CALVIN E BUMPHUS, 0000  
CYNTHIA J BUTLER, 0000  
ANDREW S BYERS, 0000  
PATRICIA G CADE, 0000  
MICHAEL B CAIMONA, 0000  
SADYRAY M CARINO, 0000  
BRIAN R CARION, 0000  
BRYAN K CARMICHAEL, 0000  
KATHERINE R CARSON, 0000  
BRY CARTER, 0000  
ANN E CASEY, 0000  
CHERYL C CASEY, 0000  
JAY M CAVAR, 0000  
JOHN D CHOATE, 0000  
ANNA M CHRISTENSEN, 0000  
JEREMY L CLAUZE, 0000  
CLINTON R CODY, 0000  
SHAWN T COLLIER, 0000  
JONATHAN R COLON, 0000

CHRISTINE COOKSONBURLESON, 0000  
 SHANNON M CORKILL, 0000  
 DAVID H CORNELIUS JR., 0000  
 JEFFREY E COTE, 0000  
 KEVIN A COX, 0000  
 DAVID M CRAIG, 0000  
 KARL R CUPP, 0000  
 SAMUEL J DALE, 0000  
 LUKE W DANZO, 0000  
 JASON B DARBY, 0000  
 RONALD E DAVID, 0000  
 MARGARET E C DEAN, 0000  
 WILLIAM F DEGIROLAMO, 0000  
 JASON M DENNY, 0000  
 JAY P DEWAN, 0000  
 CORBETT L DIXON, 0000  
 BRIAN K DODSON, 0000  
 KEVIN A DOHERTY, 0000  
 MATTHEW F DONAHUE, 0000  
 JASON L DOUTHIT, 0000  
 AMY L DRAYTON, 0000  
 JOHN R DROTAR, 0000  
 ADAM T DUNN, 0000  
 MARK I EDWARDS, 0000  
 LORA A EGLEY, 0000  
 MICHAEL C ELLIOT, 0000  
 TRACY L EMMERSEN, 0000  
 MICHAEL T ENNOR, 0000  
 FORD C EWALDSEN JR., 0000  
 EDWARD A FAHRENKRUG, 0000  
 PAMELA D F FAISON, 0000  
 RONALD A. FANCHER, 0000  
 DANIEL E FILLION, 0000  
 TRENT W FINGERSON, 0000  
 MICHAEL M FINN, 0000  
 ALLEN R FORD, 0000  
 TONI O FOSTER, 0000  
 ANTHONY A FRANGELLO, 0000  
 DANIEL L FREDMAN, 0000  
 STANLEY G FREEMYERS, 0000  
 CHRISTOPHER L FUSSELL, 0000  
 WILLIAM D GALLAGHER, 0000  
 HARRIS L GARCIA, 0000  
 SCOTT R GARDNER, 0000  
 ROY M GARRISON, 0000  
 CAMERON J GEERTSEMA, 0000  
 TRACEY J GENDREAU, 0000  
 CHAD A GERBER, 0000  
 MICHAEL F GESUALDO, 0000  
 SAMAN R GHARIB, 0000  
 MICHELLE A GRANT, 0000  
 NICHOLAS S GREEN, 0000  
 RYAN J GREEN, 0000  
 JONATHAN D GRUEN, 0000  
 BRIAN C GUGLIOTTA, 0000  
 CHARLES E HAMPTON, 0000  
 MICAH B HARLEY, 0000  
 BRIAN D HARP, 0000  
 CHRISTOPHER C HARRINGTON, 0000  
 GRANT I HARTFIELD, 0000  
 JAMES A HAYES, 0000  
 MELINDA K HENDERSON, 0000  
 KENT R HENDRICKS, 0000  
 SCOTT W HERMON, 0000  
 JOSE G HERNANDEZ, 0000  
 WILLIAM C HERRMANN, 0000  
 KATRINA M HICKMAN, 0000  
 KATRINA L HILL, 0000  
 DANIEL R HILLER, 0000  
 BRIAN C HOERST, 0000  
 MATTHEW G HERR, 0000  
 WILLIAM S HORTON, 0000  
 JASON M HOWELL, 0000  
 CECELIA A HUBBARD, 0000  
 JASON A HUDSON, 0000  
 CAROL B HURLEY, 0000  
 MELISSA A L HUSSEY, 0000  
 MARGARITA HUTCHENS, 0000  
 SUZETTE INZERILLO, 0000  
 MICHAEL W JACOWAY, 0000  
 CHRISTOPHER C JASON, 0000  
 MARCOS A JASSO, 0000  
 ALLISON R JOHNSON, 0000  
 DANIEL A JOHNSON, 0000  
 HOMER L JOHNSON JR., 0000  
 BENJAMIN A JONES, 0000  
 JON A JONES, 0000  
 MATTHEW T JONES, 0000  
 STEVEN A JONES, 0000  
 TROAS L JONES, 0000  
 WILLIAM R JORDAN III, 0000  
 JESSICA J JORGENSEN, 0000  
 JONATHAN C KALTWASSER, 0000  
 CINDY KANG, 0000  
 CHRISTOPHER B KASTEN, 0000  
 JOHN F KELLY III, 0000  
 JASON R KELTNER, 0000  
 RAYMOND E KENDALL, 0000  
 JEFFREY D KETCHAM, 0000  
 JAYSON E KIELAR, 0000  
 JOSHUA C KINNEAR, 0000  
 KENNETH T KLIMA JR., 0000  
 MICHAEL P KLINE, 0000  
 BRUCE KONG, 0000  
 VICKIE M KONIECZNY, 0000  
 JOEL A KORKOWSKI, 0000  
 THOMAS G KORSMO, 0000  
 CRAIG S KRAEGER, 0000  
 TIMOTHY G LAMB, 0000  
 BRANT T LANDRETH, 0000  
 JASON A LANGHAM, 0000  
 ANDRE W LANIER, 0000  
 KIM P LAVELLE, 0000  
 CHARLES D LAZAR JR., 0000  
 LUIS P LEME, 0000

IRVE C LEMOYNE JR., 0000  
 TINA L LEWIS, 0000  
 RICHARD J LINHART III, 0000  
 RYAN J LOGAN, 0000  
 CHRISTOPHER LUDMER, 0000  
 STEVEN L LUNA, 0000  
 ELAINE G LURIA, 0000  
 FRANK X MAC, 0000  
 STEVEN J MACDONALD, 0000  
 CURTIS S MACREADY, 0000  
 DAVID M MAHAN, 0000  
 JOSEPH A MARCANTEL, 0000  
 JAJA J E MARSHALL, 0000  
 ABIGAIL MARTER, 0000  
 KENNETH W MARTIN, 0000  
 THOR MARTINSEN, 0000  
 JEFFREY G MAYBERRY, 0000  
 SCOTT M MAZANKOWSKI, 0000  
 KATHY L MCCALL, 0000  
 SEAN M MCCARTHY, 0000  
 STEVEN B MCCUBBIN, 0000  
 BRADLEY J MCINNIS, 0000  
 JACK E MCKECHNIE, 0000  
 PEDRO R MERCADO JR., 0000  
 ROBERT L MERRITT, 0000  
 DANIEL N MEYERHUBER, 0000  
 JAMES C MONTGOMERY, 0000  
 JOHN S MORELL JR., 0000  
 NANCY R MOSINSKI, 0000  
 GEORGE R MURGA, 0000  
 THOMAS A MURPHY JR., 0000  
 RICHARD NALWASKY, 0000  
 CHRISTOPHER F NASH, 0000  
 CRISTOPHER P NEISH, 0000  
 TRI H NHAN, 0000  
 MARK S NIESWIADOMY, 0000  
 SHAWN M NOGA, 0000  
 MICHAEL A NORTON, 0000  
 JAMES M OBRIEN, 0000  
 JON A OCONNOR, 0000  
 MICHAEL P O'DONNELL, 0000  
 PETER J OLDMIXON, 0000  
 LEONARD Q OLIVER, 0000  
 THOMAS OLIVERO, 0000  
 CHRISTOPHER J ORNEE, 0000  
 MELINDA D PAGLIARINI, 0000  
 DOMITILLO M J PASTORIN, 0000  
 RYAN W PERRY, 0000  
 RYAN M PHILLIPS, 0000  
 NUBIA E PHILP, 0000  
 JEROME R PILEWSKI, 0000  
 DAVID S PLACE, 0000  
 STEPHEN J POPIELARZ, 0000  
 THOMAS R POULTER, 0000  
 MICHAEL E POWELL, 0000  
 STACEY A PRESCOTT, 0000  
 SHAWN M PRICE, 0000  
 IVO J PRIKASKY, 0000  
 JULIAN J PUGA, 0000  
 CHRISTOPHER A RAKOV, 0000  
 MARVIN B RATLIFF, 0000  
 DEREK E REEVES, 0000  
 ROXANA REYES, 0000  
 TED C RICCIARDELLA, 0000  
 GINO L RICE, 0000  
 SCOTT N RICHARDSON, 0000  
 MATTHEW C RIETHMILLER, 0000  
 JEREMY Y RIFAS, 0000  
 CHERYL C RINGER, 0000  
 FRANKIE RIOS, 0000  
 KEVIN S ROBERTS, 0000  
 JOHNNY V RODGERS, 0000  
 JUAN J RODRIGUEZ, 0000  
 ARMANDO A RODRIGUEZFEO, 0000  
 PHILLIP A ROGERSON, 0000  
 ALAN M ROSS, 0000  
 VALERIE K ROSS, 0000  
 SCOTT P ROSSI, 0000  
 MARC L ROULEAU, 0000  
 HARRY M RUSSELL, 0000  
 MICHAEL A SALK, 0000  
 CHRISTOPHER SAMMARRO, 0000  
 ROBERT C SANDERS, 0000  
 CHARLES A SCHLISE, 0000  
 TAMARA K SCHNURR, 0000  
 SPENCER T SCHOEN, 0000  
 ERIC A SCHUCHARD, 0000  
 EDWARD J SCHWEIGHARDT, 0000  
 STEVEN D SHADLEY, 0000  
 ARCHIBLE W SHERMAN, 0000  
 TYLER SHERWIN, 0000  
 BRIAN C SINCLAIR, 0000  
 DUSTIN H SMILEY, 0000  
 DAVID T SMITH, 0000  
 GREGORY A SMITH, 0000  
 LLOYD L SMITH, 0000  
 STEVEN J SMITH, 0000  
 CARMEN N SPALDING, 0000  
 CRAIG E SPEER, 0000  
 JASON E SPENCER, 0000  
 JONATHAN E SPORE, 0000  
 ANGELA S STANMORE, 0000  
 JAMES C STATLER, 0000  
 JASON W STEWART, 0000  
 ADAM P STOFFA, 0000  
 RAYMOND G STROMBERGER, 0000  
 MARK S STROTBEIDE, 0000  
 CHARLES W STULLER JR., 0000  
 EDWARD D SUNDBERG, 0000  
 AARON W SWENSON, 0000  
 MICHAEL SYPNIEWSKI, 0000  
 RENEE C TANAKA, 0000  
 BROOKIE C TARTAGLIA, 0000  
 KIMBERLY A TAYLOR, 0000  
 JEREMY F THOMPSON, 0000

JOSEPH P THOMPSON III, 0000  
 MARILOU THOMPSON, 0000  
 MATTHEW J THRASHER, 0000  
 LOIS A TINK, 0000  
 JOEL D M TIU, 0000  
 SHANNON K TOLLIVER, 0000  
 RICHARD M TOMS, 0000  
 ENRIQUE S TORRES, 0000  
 MATTHEW P TUCKER, 0000  
 MATTHEW M UDKOW, 0000  
 RICHARD J ULLMAN, 0000  
 DAVID F USON, 0000  
 FERNANDO J VIZCARRONDO, 0000  
 KEVIN J VOLPE, 0000  
 ROBERT L WAGSTAFF III, 0000  
 MICHEAL A WALKER, 0000  
 MARTIN C WALLACE, 0000  
 JAMES J WALLS, 0000  
 JOHN P WALSH, 0000  
 SAMUEL S WHITE, 0000  
 JEFFREY A WILLIAMS, 0000  
 SHAWN C WILSON, 0000  
 FRANCISCO I WONPAT, 0000  
 BRYAN M WORSWICK, 0000  
 THOMAS V WYANT, 0000  
 STEPHEN S WYNFIELD, 0000  
 KARL B WYVILL, 0000  
 ZARADHE M S YACH, 0000  
 DONNA I YACOVONI, 0000  
 JOSEPH W YATES, 0000  
 ROBERT A YEE, 0000  
 MICHAEL A YONKERS, 0000  
 FLORENCIO J YUZON, 0000  
 ROY M ZALETSKI, 0000  
 KEVIN P ZAYAC, 0000  
 JAMES G ZOULIAS, 0000

### *To be lieutenant junior grade*

GILBERTO BALDERAS, 0000  
 DEBORAH P BARNES, 0000  
 OSCAR BERNAL, 0000  
 THOMAS S BLANCHARD, 0000  
 HEATH D BOHLEN, 0000  
 CHRIS A BRICE, 0000  
 TROY A BROWN, 0000  
 BRIAN S CAREY, 0000  
 RICHARD E CARROLL, 0000  
 STEVEN B CARTER, 0000  
 CHRISTINE M CHESAREK, 0000  
 MICHAEL W CHUCRAN, 0000  
 CHRISTOPHER J CODE, 0000  
 JASON L CORNELISON, 0000  
 JOHN J CREMINS, 0000  
 MICHAEL E CURLEY, 0000  
 JAMES G DONOHUE, 0000  
 MARC A DORAN, 0000  
 GREGORY L ELKINS, 0000  
 KEITH L FERGUSON, 0000  
 KEVIN M FLOOD, 0000  
 STEPHEN C FORTMANN, 0000  
 JOSEPH D FRASER, 0000  
 ARTURO A GALANG, 0000  
 KATHRYN A GARNER, 0000  
 KEVIN J GILLOOLY II, 0000  
 ROBERT D GOAD, 0000  
 LUKE B GREENE, 0000  
 MICHAEL S GUILFORD, 0000  
 JEFFREY S HEDRICK, 0000  
 JASON R HULL, 0000  
 MARC E JASEK, 0000  
 JEFFREY F JOHNSON, 0000  
 CORLISS A KINARD, 0000  
 KIMBERLY M KRAMER, 0000  
 AARON D LANA, 0000  
 KEVIN T LIVINGSTON, 0000  
 MICHAEL J MANOR, 0000  
 ANDREW J MANSPEAKER, 0000  
 TODD M MASSOW, 0000  
 JAMES R MORRIS, 0000  
 DAVID E MURPHY, 0000  
 ERNAN S OBELLOS, 0000  
 JOHN C PHILLIPS, 0000  
 NEIL C RADER, 0000  
 JESSE J RIVERA, 0000  
 JASON E ROGERS, 0000  
 COLEMAN V RUIZ JR., 0000  
 JOHN W SHONE, 0000  
 AARON P SHULER, 0000  
 BRENDA M STENCIL, 0000  
 STEVEN M THORN, 0000  
 RAFAEL VARGAS, 0000  
 NEIL E WEST, 0000  
 MAXIMILLIAN L WESTLAND, 0000  
 KEVIN T WRIGHT, 0000

### *To be ensign*

JOSEPH N OBI, 0000  
 THEODORE G PACLEB, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

*To be lieutenant colonel*

ROBERT T AARHUS JR., 0000  
WILLIAM E ACKERMAN, 0000  
REED B ALDER, 0000  
MICHAEL L AMARAL, 0000  
DAVID W \* ANDERSEN, 0000  
THOMAS A \* BABB, 0000  
JOSE L BAEZ, 0000  
KELLEY M BARHAM, 0000  
TRAVIS L BERNRITTER, 0000  
THOMAS H BERRY, 0000  
ROBERT A BOWDEN, 0000  
ANDREW M BOYD, 0000  
PETER T BULATAO, 0000  
CHRISTOPHER M CASTLE, 0000  
ROLANDO CASTRO JR., 0000  
MARTIN N COPPOLA, 0000  
MICHAEL J DELLORCO, 0000  
WILLIAM C DOWDY, 0000  
DEBRA L \* DUNIVIN, 0000  
CHERYL L FILBY, 0000  
DANIEL P \* FLYNN, 0000  
GERALD A FOREST, 0000  
WILLIAM G FULLER, 0000  
DANIEL W GALL, 0000  
KATHY E GATES, 0000  
ROBERT L GOODMAN, 0000  
WILLIAM B GRIMES, 0000

HARRY M HAYS, 0000  
CHRISTOPHER J HILL, 0000  
JOSEPH B HOUSER, 0000  
CARL G HOVER, 0000  
MICHAEL C HOWITZ, 0000  
DANIEL H JIMENEZ, 0000  
DANIEL J JONES, 0000  
MICHAEL L KIEFER, 0000  
GUY T KIYOKAWA, 0000  
PAUL K LAVAN, 0000  
CARLA LONG, 0000  
RICHARD G LOONEY, 0000  
PETER T MCHUGH, 0000  
CHRISTOPHER A MEILINGER, 0000  
JOSE MELENDEZ JR., 0000  
KENNETH A \* MILES, 0000  
WILLIAM H MILLAR, 0000  
DEBRA L MILLER, 0000  
ROBERT E \* MILLER, 0000  
ERIC G \* MILSTREY, 0000  
ROBERT D MITCHELL, 0000  
JAMES B MONTGOMERY, 0000  
DIANE M ORRICO, 0000  
DALE A OSTLER, 0000  
CHRISTOPHER L PATE, 0000  
DAVID R PETRAY, 0000  
RICHARD T PHILLIPS, 0000  
LESLIE J PIERCE, 0000  
ALAIN J PIRRONE, 0000

JOSEPH C PISCIOTTA, 0000  
MICHAEL K PODOJIL, 0000  
JEFFREY R QUINN, 0000  
NELSON W \* REBERT, 0000  
FRANCISCO J RENTAS, 0000  
MICHAEL J ROGERS, 0000  
WALTER K ROSS, 0000  
BARBARA A ROWE, 0000  
RICHARD W SALGUEIRO, 0000  
PATRICK J SAUER, 0000  
DONNA M SHAHBAZ, 0000  
JAMES E SHIELDS, 0000  
DAVID A SMITH, 0000  
JEFFREY STOLROW, 0000  
TAMI R STRAIT, 0000  
SCOTT A \* SVABEK, 0000  
MICHAEL A SWALKO, 0000  
GREGORY A SWANSON, 0000  
SCOTT F TANNER, 0000  
CHERYL TAYLORWHITEHEAD, 0000  
WILLIAM C TERRY, 0000  
TAMMY L THOMASROTH, 0000  
JULIAN C VELASQUEZ, 0000  
MICHAEL A WEHNER, 0000  
MARK C WILHITE, 0000  
HAILEY F WINDHAM, 0000  
SCOTT C WRIGHT, 0000