United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, THURSDAY, APRIL 26, 2001 No. 54

Senate

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The guest Chaplain, Rev. Monte Frohm, of Good Shepherd Lutheran Church, Reston, VA, offered the following prayer:

Merciful Father, You are the source of all authority and power. You hold in Your hand all the nations of the world, including our own beloved United States of America. You have ordained the powers that be for the punishment of evildoers and for the praise of them that act rightly.

We humbly beg You to so guide the men and women of this Senate, that they might in due modesty and with undying hope pursue Your gracious will and purpose. Enlighten them with Your vision for our Nation, equip them with Your strength, instill in them a spirit of integrity that mirrors Your truth, and grant them patience in well doing that reflects Your long-suffering mercy.

May their labors yield a nation that is marked by justice and peace, righteousness and unity, gratitude and hope. As each of us is created in Your image, so let our common life reflect Your glory.

O Lord, our troubles are many, but Your strength is great. Our fears confound us, but Your promise gives hope. Our sins are many, but Your mercy is deep. Leave us not to our own devices, but work Your gracious purpose through us, to the glory of Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma, the acting majority leader, Mr. NICKLES, is recognized.

SCHEDULE

Mr. NICKLES. Mr. President, today we will be in a period of morning business until 11 a.m. Following morning business, it is hoped that the Senate can begin consideration of S. 149, the Export Administration Act. Senators interested in this legislation are encouraged to be present on the floor at 11 a.m.

In addition, negotiations are continuing on the education bill, and consideration of that bill is expected in the not too distant future. As announced, there will be no session of the Senate on Friday.

I thank my colleagues for their attention.

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

Mr. REID. Mr. President, I want to mention that I am glad we are going to attempt to get to the Export Administration Act. I think that is what it is called. It is a very important measure. Senator GRAHAM and I worked with Senator ENZI and other Senators trying to get that considered last year and we were unable to do that. I was happy to see in today's press—and I only read the Washington Post, and that may not be the best paper to read, but I read it—the indication that President Bush expressed in statements to the press several times yesterday that he was going to have to work with us, compromise on taxes and education.

I say this because I don't think it shows a sign of weakness of the President. I think it shows a maturity he knows—of course, because he worked with the Texas Legislature for 6 years as Governor—that legislation is the art of compromise, and he is going to have to compromise some of his positions. We will also have to compromise some of ours. This is the beginning of, I hope, some productivity in the Congress.

I think we did our job yesterday by passing by a 99–0 vote the brownfields bill from the Environment and Public Works Committee. I hope this is the beginning of a very productive session of Congress.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I have always enjoyed working with Senator REID. I think this can be a very productive month. This can be a month that we finish the budget and the tax bill, and we can finish the education bill. It is a month in which we can accomplish a lot for the American people that will make a difference in their lives and in their paychecks.

A lot of times people wonder what do we do and are there real results and are there real differences in what we do. Considering the education bill and tax measures pending, we can make a lot of difference, whether you are talking about the marriage penalty or a $500 tax credit per child, cutting taxes across the board, reforming education, giving more power to parents and teachers. We can do all that this month. By Memorial Day, we can have great, significant accomplishments by working together. I look forward to working with my friend and colleague from Nevada.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Tennessee.

EDUCATION

Mr. FRIST. Mr. President, I rise to speak briefly this morning on an issue about which we have heard a lot in the last few days and in which a number of us have participated diligently over the last several months. The subject is education, kindergarten through 12th grade, a period of time which, as we all know, in large part determines how successful one is later in life—how well equipped one is to deal with challenges in an increasingly challenging world.

This important issue has caused many of us to reflect over the last several years on what has been accomplished in the last 35 years with Federal intervention in education. What we have found, for the most part, is that in spite of major expenditures by the Federal government—a small fraction of what is spent across the country but a huge and growing investment, to the tune, in just one program, title I, of about $120 billion focused on disadvantaged children—the results have been disappointing.

They have been disappointing to Republicans, Independents, and Democrats. They are disappointing because through careful study, through careful documentation, people have come to realize that we have not succeeded. By practically every single measurement, the results have been flat.

Some people say that is a good result; we could have gotten worse.

But there is no reason in a time of economic prosperity and increasing prominence of the United States in the world order—we are the superpower—for results to be flat when billions of dollars are being expended.

When we peel away the layers and look at the results, we see growing achievement gaps between the served and underserved; between those financially well off and those less financially well off; between minority and non-minority. However one looks at the achievement gap over the last 35 years, it has deteriorated; it has gotten worse.

The subject is complex. It is hard. It is not a matter of just more money, smaller class size, or better school buildings. Society has changed. The challenges before us have changed. Our responsibility is to look at the last 35 years and address what has not worked and, through debate, hearings, and discussions, come forth with a policy that will reverse the trend of an achievement level that is flat. No net results after an increase in attention and after an increase of dollars is not an acceptable outcome.

From both sides of the aisle, we have heard over the last several days—and very appropriately so—applause for President Bush's first 100 days. Education is his No. 1 policy priority. We have made significant progress on tax relief, spending, and a number of military and defense issues.

Now we come back to what is most important to the United States of America—where we are today and where we want to be 5 years from now, 10 years from now, 20 years from now in what is becoming a smaller and smaller world.

The President's top priority is education. We have heard it from all sides; we have seen it in the newspapers and other media; and we have said it ourselves on the campaign trail. But the message really comes from the words of President George W. Bush, and that is ''to leave no child behind.'' When you say ''leave no child behind,'' you look at an individual and wonder how, in spite of 20, 50, 100, 150, 200 programs, all well intended, coming out of a Congress that says here is another good program to address a particular problem, we fall short. In spite of hundreds of different federal education programs, and in spite of $120 billion spent in a single program, title I, we continue to fail.

Leaving no child behind means we probably have to change our targeting. Many of us believe we should channel increased resources to the child who is disadvantaged, to raise that child's performance. That has not been possible from a political standpoint.

In leaving no child behind, the solution means we should focus on the child. We do not focus on bureaucracy. We focus on the child. We do not focus on more money for still another program. That has been tried again and again. It means we need to make sure the child, the individual, learns.

Right now, we have testing and some general accountability measures. People argue passionately about national standards, State standards, and local standards. That needs to be debated. But for 35 years we never said of the child: we will follow you over time so we can determine whether you are failing, staying the same, or progressing and, based on that, determine the proper action for this body.

We need to make sure kids learn. That will require increased accountability.

How do we do that? The bill that will be put forward and marked up in the Health Education Committee, the BEST bill, is strong on accountability. Through the bipartisan working groups that have been very actively involved over the last 2 months, that accountability can be strengthened. We need to reward schools that are performing well. If schools are not doing well, we will have to give them the tools, the equipment, the resources, and the chance to do better. When they repeatedly fail, year after year after year and if a child is locked into such a school, at some point we have to reconstitute that school or give the parents the opportunity to take their child out of that failing environment that society has created and put them in an environment where they have a real chance to learn.

Students in persistently failing schools should not be trapped there. They are trapped today. We need to do something about it. We have not been able to do anything about it in 30 or 35 years. The failure is in part because of Federal involvement. It is in part a failure of the current system. We need to change the system. That means make sure kids learn, with accountability. No. 2, give parents a choice. No. 3, let's proceed with reform.

No longer can people sit back and say: here is the system of 760 programs, let's pour more money into that system and we will be OK. We know that will not work. Therefore, we have to have reform. We have to have modernization of that system.

The good news is Democrats and Republicans together and from a policy standpoint understand what modernization means today. It means flexibility, knowing what works and what doesn't work, taking what works and putting it on a pedestal and supporting it. Yes, that means financially. More money will be put in education. We heard the President of the United States say again and again and again over the last several days, especially as we are at the negotiating table, that he is willing to put more money than has been put into education last year or the year before that or the year before that. This President will invest in education if we agree to link it to reform, to modernization, to flexibility, to accountability, to having some element of parental involvement. Nobody cares more about that individual child than the parents.

Global competition is one of the reasons we can stand up and say we are failing today in spite of our good intentions, in spite of teachers who are working hard, getting up each morning, teaching all day, preparing through the night and working summers to become even better teachers. In spite of their best efforts, we are failing. The National Assessment of Educational Progress, NAEP, is the only test using an accurate and careful statistical sampling from a cross-section study across the country of what happens at a certain point in time in various States and various school districts. It is also longitudinal, comparing what happens after 1 year to 3 years to 5 years to 10 years later.

A recent NAEP study confirmed that our current education system is not working. The statistics, the data, are very accurate. As a scientist and someone who depends on statistics, I am convinced it is good data. The data show that the achievement gap is not closing, but continues to widen.

I am hopeful we can address the issue of education now or next week in a way that links that policy to the debate we are talking about, which is how much more money it will take to succeed.

The NAEP uses four levels of achievement. They are: advanced, proficient, basic, and below basic. You can track each of these. Looking at the below basic category is fascinating. Take one element, such as reading. In the below basic level, for the most part, too many students simply cannot read. Mr. President, 37 percent of those tested scored below basic. Even more disturbing is the fact that 63 percent—almost two-thirds of black fourth graders, 58 percent of Hispanics, 47 percent of students in urban areas, and 60 percent of poor children—scored below basic. That means they cannot read.

Secretary Paige—a wonderful leader—articulates through his experience what is happening on the ground: ''After spending $125 billion of title I money over 25 years, we have virtually nothing to show for it.''

The data also show how well we are performing internationally. Look at math and science. I have a junior in high school; so we are thinking about college. As a physician, math and science are two fields that mean a lot to me as we predict how well prepared people will be in this new economy fueled by technology and dissemination of information. In math and science, we are not first in the world. We are not fifth in the world. We are not tenth in the world. We are not fifteenth in the world. The United States of America is seventeenth in math and eighteenth in science.

What does that say as we go out and compete in this global economy for jobs, for economic growth?

We have a wonderful opportunity to go forward under the leadership of President George W. Bush. He has put on the table a very clear agenda that stresses accountability; an agenda that focuses on what works; an agenda that will reduce the redtape and bureaucracy that is handcuffing our teachers; and an agenda that will increase flexibility and local control. It is an agenda where needs can be identified locally and an agenda that empowers parents.

I very much appreciate the opportunity to participate in this discussion. I am hopeful we will be able to turn to the bill next week. It means at the end of 2 weeks from now we can have a bill that will engage in a major modernization of education, where we truly can say that the United States of America has stepped up to that big challenge, that challenge of leaving no child behind.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with and that I be yielded 10 minutes or until a Senator arrives, at which time I will yield the floor.

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

Mr. FRIST. Mr. President, I rise once again to continue remarks from a few minutes ago on education, and I will do so until another Senator arrives to speak. I want to take a moment to bring my colleagues up to date on the underlying bill that came out of the Committee on Health, Education, Labor, and Pensions. It is a bill called BEST—I mentioned it earlier—the Better Education for Students and Teachers Act. It is a bill we debated in the Committee and most probably will be the bill that is brought forward once we make further progress in discussions on the appropriate amount of money to invest.

This particular bill, which will be modified and debated and discussed on the floor, has four principles about which I want to briefly comment. What it does, is to embody what President Bush has focused on and that is this very important belief, fundamental belief, that enterprise works best when authority and responsibility are aligned. Good results occur when responsibilities are accompanied by latitude and flexibility so that judgments can be made on information that is available and when those who are responsible for teaching, for making decisions for education, for leaving no child behind, are held accountable. Those principles are very simple. They link innovation responsibility, flexibility, and results.

The BEST bill has four components to it. No. 1, it will increase accountability for student performance. It is just remarkable, I believe, and it is important for our colleagues to understand and people around the country to understand, that we as a government are investing taxpayer money without demanding accountability—no measurement, no results, are required. We are pouring money into a system and we don't know if it works. As I mentioned earlier the data that has come out this morning shows the current system does not work.

First and foremost, accountability: States and school districts and schools that improve achievement that eliminate or narrow that achievement gap which we know is getting worse those entities, will be praised, will be rewarded in the underlying bill.

The flip side of that is those schools and those districts and even those States that continue to fail after they receive new resources and a fair clause to show progress—they will then be sanctioned. They will be held accountable. That is something basic. It is something we do in our homes. It is something we do in our small businesses. We do it in our everyday lives. But when it comes to government, for some reason for the last 35 years we have not done it. Now is the time to do it. And we are going to do it.

The parents will have new information on how their children are progressing. They will no longer be limited to just assessing at night and talking to their child, or talking to other parents at night. That will continue, of course, but parents will know much more about whether the schools are succeeding. For the first time, assessments can be compared across communities and States, and across the U.S. and even to other countries. Parents will know that their schools are being held accountable as well.

Parental involvement is crucial, we can do a lot here in Washington, DC, in this great Capital and this great body, but ultimately it has to be the millions of parents who are out there holding accountable the schools, the teachers, the school districts, and the local governments.

There are going to be annual State reading and math assessments for grades three through eight. That is something I feel very strongly about.

Two, the BEST bill focuses on what works. Federal dollars will be spent on effective research-based programs and practices. Funds will be targeted to improve schools and enhance teacher quality.

That ultimate goal has to be to have a student and a classroom that is safe and drug free, but with a good teacher at the head. Therefore, the ''t'' in the BEST bill means teachers. And the focus will be on teachers.

Third, the BEST bill will also reduce bureaucracy and increase flexibility. Additional flexibility will be provided to States and school districts, and flexible funding will be increased at the local level.

Finally, this bill will empower parents. Parents don't now have the information to be able to either hold schools accountable or make decisions. They will be given that information about the quality of their child's progress and their child's school. Students in persistently low-performing schools will be provided options so that they are not locked in a bad school.

It is important as we go forward to understand what the underlying bill is. It is a sweeping introduction of the four principles: accountability, focusing on what works, reducing bureaucracy and increasing flexibility, and empowering parents.

I look forward to discussing that in greater detail as we, hopefully, get to this bill next week. I think the BEST bill is a great start for what we all want, and that is to leave no child behind.

Mr. President, I yield the floor.

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

CLIMATE CHANGE

Mr. LIEBERMAN. Mr. President, I rise today to speak with colleagues about global warming, which quite literally is a cloud that is looming on our horizon. As many have feared, there is evidence that this cloud has recently grown darker and more ominous.

Over the last few months, in fact, the United Nation's Intergovernmental Panel on Climate Change released its third report on global warming. This report was authored by over 700 expert scientists. Their conclusions, I am afraid, offer convincing evidence of a planet in distress, one that is slowly overheating with very serious—some would say disastrous but certainly very serious—consequences for those who will follow us on this Earth.

According to these scientific experts, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during this next 100 years. Such a large rapid rise in temperature will profoundly affect the Earth's landscape in very real and consequential terms. Sea levels could swell enormously, potentially submerging literally millions of homes and coastal properties under our present day oceans. Precipitation would become more erratic, leading to droughts that would make hunger an even more serious global problem than it is today. Diseases such as malaria and dengue fever would spread at an accelerated pace. Several weather disturbances and storms triggered by climate phenomena, such as El Nino, would be aggravated by global warming and become, I am afraid, more routine.

Unfortunately, that is not the first time we have heard such disconcerting predictions, which in their way are so extreme that they may be hard for some to believe, although I find as I go around my State and on occasion around the country that the public is ahead of their political leadership on this issue—at least a lot of the political leadership. The public has been reading these reports and understands that something is happening with the weather that will affect life on this planet unless we do something about it.

For years, scores of scientists from throughout the world have issued warning after warning attesting to the harmful effect of increasing amounts of carbon dioxide and other greenhouse gases. While it is true that there have been some efforts to curb the release of these gases, I am afraid we have spent a lot more time debating the credibility of the warnings than doing something about them.

Truly, this new data does not end the serious debate about whether global warming is a fact. This most recent scientific report is the most advanced study we have had on the subject. I personally conclude that the science is now incontrovertible.

As this latest report reminds us, the threat is being driven by our own behavior. Remember the old Pogo cartoon: We have met the enemy and it is us. That is, unfortunately, the case with global warming. Let me quote the scientists in the report directly.

> There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.

Human beings have added more than 3 billion metric tons of carbon to the atmosphere every year for the past two decades. In fact, the current levels of carbon dioxide are likely the highest they have been in 20 million years of history.

In the face of this mounting evidence, what have we done? I am afraid we have a statement from President Bush saying that he ''takes the issue of global warming very seriously.'' But, unfortunately, thus far the acts that have followed that statement do not match the statement.

I am afraid the only global cooling that will occur under this administration is the cooling of our foreign relations with countries around the world, including some of our foremost allies who are very anxious to work with us to do something about global warming. Last month the administration unilaterally announced, without consultation with Congress, and apparently without consultation with our allies or others around the world, that it had ''no interest in implementing'' the Kyoto Protocol. In doing so, the administration did not just back away from America's signature on an international agreement. They backed away from the process that resulted in the accord, and that action not only undermines our global environment but it also undermines our credibility with our allies.

This is one issue that is so serious and will so profoundly affect the lives of our children and grandchildren and those who follow us here on Earth that we ought to be at the head as the greatest nation in the world of international efforts to stop this problem, to deal with it, and not be viewed by most of the rest of the world as loners going our own way not listening to science experts and not acting responsibly.

I am afraid the Bush administration has also walked away from its chief domestic initiative on climate change, which was a very hopeful initiative, when it reversed the President's campaign pledge to adopt a market-based trading mechanism regulation of carbon dioxide emissions from powerplants. Those emissions account for up to 40 percent of our Nation's carbon dioxide emissions and 10 percent—one-tenth—of the global carbon dioxide emissions at this point coming from American powerplants.

We have to take firm and decisive action—we ought to be taking it together; we ought to be taking it across party lines—to address global warming. If we act soon, we can still avoid the bleak fate that will otherwise await our children and grandchildren on this good Earth that the Good Lord gave us. We are visitors here, temporary visitors. We have an obligation to act not only as good visitors but as trustees of the planet for those countless generations that will follow.

Science is giving us a warning. We all ought to put ideology aside and figure out a way to cooperate to respond to that warning, to protect the planet and those who will follow us on it. Doing so will require two things. One is global leadership, and the other is a shared effort to change the source of the problems and deal with them through technology and through cooperative effort.

In the clear absence of Presidential action thus far, we in the Senate, I am pleased to say, have begun to provide some leadership on this issue. Just before the recess, we passed an amendment to the budget resolution that reestablished funding for all climate change programs throughout our Government, including funding for energy efficiency programs, funding for programs to encourage emissions reductions in developing countries, and the funding for full and adequate participation in international negotiations.

I hope President Bush and others in the administration will take note of the Senate's concern about climate change, represented by this amendment, and join with us in taking action on this problem. There have been some strong voices within the administration that clearly understand the dimensions of the problem and want to work to be leaders in dealing with it. I am speaking of the Secretary of the Treasury, Mr. O'Neill, and the Administrator of the EPA, Ms. Whitman.

The alarming conclusions of the U.N. scientists' report should be of concern to all of us. Global warming is most decidedly not a partisan issue; it is a human problem. It is a problem for all of us who inhabit the Earth. Neither party wants to allow the apocalyptic future projected by the scientists' report. The evidence is compelling. Our planet is, in fact, slowly overheating. So now we have to join together across party lines and international borders and agree to act. This is a challenge because we are talking about a problem whose beginnings we can see now but whose worst effects will probably, hopefully, not be felt until some years have passed.

So this requires leadership—political leadership—to avoid a problem whose worst effects most of us will not experience in our lifetimes, but it is the responsible thing to do to take such action.

Kyoto set a framework. I was at Kyoto when that agreement was negotiated. It is not a perfect document by far. But considering the fact that we were dealing with so many of the nations of the world, approaching this problem from different places, it is a framework for international cooperation.

I hope the administration, on second look, will view it that way, will go to

the international meeting in Germany in July, which is the next step in the Kyoto process, will consult with our allies and others in the world, and will find a way, together with us—both parties in Congress—to move forward to deal with this problem.

We deal with serious problems every day in the Senate. It is part of the challenge and, indeed, the excitement of the privilege we have to serve our Nation. It is when we deal with those problems effectively that we have together—all of us—the moments of greatest satisfaction.

This, in the long run, is one of the largest problems which any of us in this Chamber will ever confront. The sooner we get together and make some progress to deal with it, the better will be the world's future.

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

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

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 149

Mr. LOTT. Mr. President, there has been a lot of discussion and effort over the past couple of years put into trying to address the export administration issue. I know that Senator GRAMM and the ranking Democrats and Senator SARBANES have worked on this issue. I know there are a number of Senators who have reservations about this whole area and this particular piece of legislation.

It is my understanding that the new administration has had input and a number of previous concerns have been addressed. I understand this is an area where we need to be careful to make sure we do it in the right way and that we pay attention to very important security concerns.

I think one of the only ways, though, to have those issues properly aired and addressed, and hopefully resolved, is to begin the discussion and see if we can get a final agreement and move on this legislation.

I ask unanimous consent that the Senate turn to the consideration of calendar No. 26, S. 149, the export administration bill.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

EXPORT ADMINISTRATION ACT OF 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 149, and I understand that there are some opening statements that can be made. I hope that we can work through the objections so that we can actually move to the legislation. I move to proceed to the bill at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion, and it is debatable.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the majority leader for moving to bring this bill to the floor of the Senate. As many of my colleagues know, the Congress has not reauthorized the Export Administration Act on a permanent basis since the early 1990s. As a result, we have been in a period where we have sought to get multilateral action on export controls to protect critical national security secrets, but we have had a very difficult time having standing on those issues among our allies when we do not even have a regime in place to monitor exports coming out of the United States of America.

I think it is a terrible indictment of the Congress that for so many years we were unable to enact a bill to restore our export control authorities. I understand that these are very difficult issues, and they are difficult for a very simple reason: the Nation has apparently conflicting goals. We want to export high-tech items, we want to dominate the world in new technology, we want new innovations to occur in America, and we want to be the principal beneficiary of the technological revolution that is changing our lives and the life of every person who lives on the planet. And to do these things, we want Americans to be able to sell high-tech products on the world market.

Wages in these industries are among the highest wages in the world. They really will determine the future of economic development on the planet, and it is a very high American priority to see that we generate these new technologies, that we generate these new jobs, and that Americans be the highest paid workers on the planet.

Our problem comes in that we also have an objective of trying to prevent sensitive technologies that have defense applications from getting into the hands of people who might, at the current time or in the future, become adversaries of the United States of America. First of all, I think we have to admit to ourselves that there is an apparent conflict in these two goals and, hence, you have the difficulty in dealing with this problem.

Now, I want our colleagues to understand that, first, the Banking Committee has very large jurisdiction as it relates to national security. In fact, other than the Armed Services Committee, no committee in Congress has authorizing jurisdiction in defense that rivals the Banking Committee.

Let me give some examples. The Defense Production Act is under the exclusive jurisdiction of the Banking Committee.

The Trading with the Enemy Act is under the exclusive jurisdiction of the Banking Committee.

The International Emergency Economic Powers Act, which has frequently been used for export control purposes, is under the exclusive jurisdiction of the Banking Committee.

The Export Administration Act, which is before us today, is under the exclusive jurisdiction of the Banking Committee.

The Exon-Florio amendment, which set up the process whereby we look at foreign ownership of defense industries, to look at the national security implications of foreign investments and mergers, is under the exclusive jurisdiction of the Banking Committee.

Sanctions bills that imposes economic sanctions against any country, whether it be the Iran-Libyan Sanctions Act, or whether it be any sanction imposed in the future, would be imposed in legislation that falls under the jurisdiction of the Banking Committee.

Quite frankly, I believe some of this dispute is about jurisdiction. I did not write the rules of the Senate, but I believe that when this jurisdiction was put under the Banking Committee, it was the right decision because the Banking Committee is basically the Banking and Economic Committee. These issues have to do with economic matters that have defense implications. I think the correct decision was made in placing these items within the jurisdiction of the Banking Committee.

We have spent 2 years exercising our responsibility in trying to come up with a workable and, I believe, if I may say so immodestly, a superior Export Administration Act. We have held extensive hearings on the Export Administration Act.

I want to show my colleagues some of the studies that have been done that we have looked at. We have had the authors of these studies appear before our committee.

The first, of course, is the now famous Cox Commission report. This was focused on China, and it was focused on the loss of American defense secrets. The Cox Commission report made a series of recommendations. Those recommendations are now embodied in the bill that is before the Senate.

Rather than trying to go through all of the elements of this lengthy report at this time, which obviously would empty the Chamber for several days as I would be standing alone talking about them, given how voluminous they are, I will share with the Senate one point that CHRIS COX made in presenting these reports to us and giving us the recommendations which we have incorporated in this bill.

And this is critically important because I have colleagues who say that now is not the time to do this bill because of our recent problem with China. I say to my colleagues, we should have done this in 1995, but given the problems we have had with China,

given their irresponsible behavior, we need this bill in place now more than ever. If it was not the time to do this 3 weeks ago, it is the time to do it today. I say the time to do it was 5 years ago, and we certainly need to do it today.

CHRIS COX, in looking at the loss of technology to China, cautioned the committee on something that I think every Member of the Senate, as we begin this debate, needs to be cautious about. What he cautioned us about was doing feel-good things, doing things where we pound our chest and act as if we are doing something, when in reality we are not achieving anything.

One of the things I am very proud to say about this bill is that there is no feel-good provision in this bill. Everything we did we did because we believed it would work, not because it simply made us feel good to place it in the bill.

The quote I want to read from CHRIS COX is the following:

> We ought not to have export controls to pretend to make ourselves a safe country. We ought to have export controls that work, and you have to assume that if the Ministry of State Security in the People's Republic of China can gain access to the computers at Los Alamos, they can probably gain access to the Radio Shack in Europe.

One of the fundamental principles of this bill is that we want to focus our attention on technologies that have defense implications, that are significant, and where we have some hope of being successful in controlling those technologies. When a million copies of a computer have been manufactured, when they are sold at Radio Shack in Bonn, when there are a million distributed worldwide, there is no possibility that we can keep that computer from falling into anyone's hands who might be potentially hostile to the United States of America.

We might want to do it. We might wish we could keep an agent from a foreign country from going into Radio Shack in Bonn and buying this computer, but when there are a million copies of it worldwide, only divine intervention could keep someone who wanted that computer from having it.

So rather than waste our time and energy on products that are sold by the millions, we try to focus our attention in this bill on trying to deal with those technologies where we have some realistic hope of being successful. Our current Secretary of Defense, Donald Rumsfeld, said it best when he said we need to build higher walls around a smaller number of things, and that is what we have tried to do.

The next point that I want to raise from one of the witnesses before our committee I think reinforces what Congressman COX said. It is from Donald Hicks, who is the former Under Secretary of Defense for Research and Engineering and chairman of the Defense Science Board Task Force on Globalization and Security. Here is what Donald Hicks said. He refers to what he calls the ''utter futility of the U.S. attempt to control unilaterally technologies, products, and services that even its closest allies are releasing on to the world market.''

This study in my hand is the study that was done by Under Secretary Hicks making this point.

The next quote I want to give is from John Hamre, who is the former Deputy Secretary of Defense. We all knew him when he was the staff director of the Armed Services Committee. Here is what he says on this subject:

> America needs effective export controls to protect its national security. Our current system of export controls fails that test and fails badly. In ultimately approving 99.4 percent of the requests, we are not really protecting our security. In fact, we are diverting resources from protecting the most important technology and products.

That is a critical point of this bill. When we have a system where we are approving 99.4 percent of the requests for licenses, we have a system where many things are in the system that should not be in the system. We are granting licenses on computers that are being manufactured by the millions and sold all over the world.

We try to focus our attention where it can do us the most good. Frank Carlucci, the former Secretary of Defense and former National Security Adviser, gets right to the heart of it when he says:

> But we should do only that which has an effect, not that which simply makes us feel good. Many technologies are uncontrollable, given the access to the Internet. Others can and will be supplied by our competitors. Our job, your job, is to strike the right balance. Don't help our enemies. But at the same time, allow and encourage innovation and research to flourish.

We have spent 2 years looking at all of these studies, having the authors of all of these studies appear before our committee, and in each and every case their recommendation to us is quit doing things that make you feel good. Quit forcing us into a mechanism where we are having to deal with thousands of items, when 10 are really important. By dealing with thousands, we are not paying enough attention to the 10 that ultimately affect American security.

We have put together a bill that I believe dramatically improves the export control process, the export control review mechanism that is used, and greatly enhances national security. I am proud to say this bill is supported by the President. The President said in very simple terms, ''I believe we've got a good bill and I urge the Senate to pass it quickly.'' He said this in the East Room of the White House on March 28.

The bill before the Senate has been endorsed by the Secretary of Defense, by the Secretary of State, by the President's National Security Adviser. We gave them an opportunity when the new administration came in, to take the bill we had worked on, and go through it in detail. They suggested some 21 changes. We adopted those changes. In several cases I thought the previous bill was stronger, but we adopted those changes. I think in the process, on net, we have improved the bill.

What does the bill do? The bill strengthens national security. No. 1, and most importantly of all these other things, while it doesn't sound as robust as these other things I will mention, it is actually more important. We focus the attention of the export administration process on defense sensitive items where we have some hope of being successful.

We set up a procedure whereby the President is given tremendous powers to negotiate international agreements with our major trading partners to cooperate to try to prevent sensitive technologies from getting into potentially hostile hands.

We establish new criminal and civil penalties for knowing and willful violations. One of our problems under the current situation we face is, for example, that with the question of an illegal transfer of missile technology to China, given the laws that are in place, even if the parties are convicted, the penalties would be trivial. No one will call the penalties in this bill trivial. The penalties in this bill begin with $5 million for a violation. In the case of multiple violations, the penalties could run into the hundreds of millions of dollars. We have tough prison sentences for knowing and willful violations. When we have those penalties, we affect people's behavior, which is what we need to do.

Again, it is very difficult to enforce these laws. It is difficult to prove intent. Knowing it is difficult to catch people, we wanted to have very severe penalties when they are apprehended, prosecuted, and convicted.

We strengthened the hand of the national security agencies by, for the first time, giving them a formal procedure by which to be involved in this process. We were very concerned that in the previous administration the Defense Department was in a position of not being in concurrence with some decisions that were being made but not having an effective way to show it did not agree. So we provided a process whereby if any member of the review panel—and we would assume in general it would be the Defense Department—objects, that individual, with the concurrence of the designated political appointee in his or her department, has the ability to object and force that decision to the next highest review level. That is a substantial strengthening, in my opinion, of the process.

We have greater predictability in the process, as well, which is important both for national security and economic reason.

I will end with this: We do have a cloture motion. At some point that petition may be filed, because it is critical to national security we get on with this process.

I conclude by talking about the balance we are trying to establish. We want a balance that allows us to provide for the national security of the United States, but on the other hand, we want to be able to be the dominant high-tech manufacturer in the world.

Please remember, despite any feel-good speech we could make, most high-tech companies have operations worldwide, so when they are developing a new product, they can develop it in Germany or they can develop it in Dallas. If we have an export control process that is cumbersome or inefficient or costly or overly burdensome, they will develop these products in Germany and not in Dallas. That is harmful to our security, and it is harmful to people who are working in America.

This bill is good for security because it restores the expired control authority. It adopted the recommendations from the studies I referred to earlier, such as the Cox Commission and the commission studying proliferation of weapons of mass destruction. It protects sensitive U.S. goods and technologies. It strengthens the role of the national security agencies, and it toughens criminal and civil penalties.

That is how it strengthens national security, why it is good for national security.

Why is it good for trade and for job creation and for the economic development and economic dominance of the United States of America?

No. 1, it streamlines controls and procedures.

No. 2, it removes ineffective controls where we know an item is mass marketed. A million copies are sold on the world market, and an American company trying to get market share ends up, under current practices, being delayed for long periods of time to get approval to sell something that is readily available on the world market. That makes no sense and it burdens the process to such a degree that we are not paying attention to the things that are really important when we are doing those things. This bill changes that, it fixes that problem.

This bill brings certainty and transparency to the licensing process. When somebody applies, they know how the process works. They know what the timetables are. They know they are going to get an answer—yes or no. As anybody who has ever been contacted by a high-tech manufacturer knows, what they want to know is, yes or no. If the answer is no, they can deal with it. If the answer is yes, they can rejoice. What they cannot deal with is no answer, which is what the current process is producing, even though it is eventually approving 99.4 percent of the applications.

This bill seeks to restore the international cooperation that we had under the cold war export control regime, where we had multilateral agreements and where we could prevent things from being sold by one country or another to our potential adversaries. This bill, first, sets up the best system we can set up given we are acting unilaterally, but it also gives the President strong new directive to go to England, to go to Germany, to go to Japan, and try to work out multilateral agreements, and then this bill automatically makes those binding.

Finally, it creates a framework compatible with the high-tech economy in which we live and work. We have currently set into static law the number of MTOPS, millions of theoretical operations per second, that a computer could generate as a condition for export, when we know that this number is doubling every 6 months. So what did this provision of the law do? What it did was put American producers at a disadvantage because they would have to go through our export control process, while their competitors in Germany and Japan could rush right out into the marketplace. Our producers would fool around, trying to get a Presidential decision to update the standard, generally with legions of high-tech people coming to kiss the President's ring and in some cases attend his fundraisers.

That is an unworkable system. It breeds corruption. It hurts America. It does not enhance security. So we in this bill we repeal the MTOP limit and set out a process where the focal point is not on something that is doubling every 6 months—we cannot change that, we cannot legislate it away.

I do not question the sincerity of the critics of this bill. I do not think their hearts are any less pure than mine. But I would like to say that I don't take a backseat to anybody in America in supporting national defense. I was in the House, and I helped write the budget in 1981 that rebuilt defense and helped fund Peace Through Strength that tore down the Berlin Wall. I am concerned about American security. My dad was a sergeant in the Army. I am from a part of the country that lost a war. I understand something about national security and why it is important. So while I do not doubt that I have colleagues who have national security concerns, I have those concerns as well. They are reflected in this bill and its provisions.

I believe we put together a good bill. I know that not everybody agrees with that. We got a vote of 19–1 in the Banking Committee. I have been the ''1'' many other times, on other committees under other circumstances, and that didn't make me any the less right that the other 19 people voted the other way. I understand that. But we have come to the point where we have to make a decision.

I urge my colleagues, let's go to the bill, let's make our cases, and I will pledge to them if they convince me that they are right—I helped my colleagues in the committee write the bill the way we wrote it because I thought it was best, but if there is a better way, I am willing to support changing it. I cannot speak for other people. But if my colleagues can convince me there is a better way of doing it, I will do it that way.

What I do not think I can be convinced of is that the best thing to do is to do nothing, that the best thing to do is to continue to limp along without having an effective process in place. I am concerned about the potential threats we face as a nation. I think we need this bill to help meet those threats. I urge my colleagues to support the bill, but if they are not going to support the bill, tell us how they would make it better, let's look at it, let's have votes on it. Again, anybody who has a way to make it better, I am willing to support it. I do not think we have reached the perfect bill yet, but I do think we have a dramatic improvement on the status quo.

I thank my colleagues. I thank Senator ENZI and Senator JOHNSON for the great work they have done. I have never seen a Member get as involved in issues as Senator ENZI has been involved in this process. I have never seen a Member of the Senate who went to the actual meetings of these agencies and sat for hours, trying to figure out what they do and why they do it and how it works. The quality of this bill is in large part due to the work that he did and the work he did with Senator JOHNSON on the International Finance and Trade Subcommittee.

I thank Senator SARBANES. This is a bipartisan effort. Senator SARBANES and I are far apart on some kind of mythical, philosophical line. But I think the reality is that we have been very effective in legislating and we have been effective because we have tried to work on a bipartisan basis. If we can work in a bipartisan basis, it can be done.

I thank my colleagues for their leadership and their cooperation. I am hopeful we will pass this bill. I hope after the debate our colleagues who are concerned about the bill will be convinced—not necessarily to be for it—but will be convinced that maybe it is an improvement over the status quo, and maybe it is not quite as bad as they would think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is debating the motion to proceed to S. 149.

Mr. SARBANES. I thank the Chair.

Mr. President, I urge the Senate to adopt the motion to proceed and give itself the opportunity to move to the substantive consideration of S. 149, the Export Administration Act of 2001. The adoption of this motion to proceed would enable Senators, then, to consider the bill on its merits, to offer amendments, if they have them, to alter or change the bill in whatever direction they think is desirable. I think this is important legislation. I am frank to say I think this bill before us

is well crafted and deserves the support of the Senate. But in any event, whatever your attitude on that question is, I certainly think this issue, and this legislation dealing with this issue, deserves to be considered by the Senate.

I very much hope, after we have had this opportunity for some discussion, we will be able to move ahead and consider the bill on its merits. I understand it is the leadership's intention to file a cloture motion—the leadership, as I understand it, on both sides of the aisle—in order to enable us to go to this legislation. I hope that will not be necessary. I think there is a compelling argument for taking up this bill and addressing this issue.

Let me say a few words about the bill itself. Earlier this year, I was pleased to join with my colleagues, Senator ENZI, Senator JOHNSON, and Senator GRAMM, in introducing this legislation. It was reported out of the Banking Committee on a bipartisan vote of 19–1, so there was a very strong majority within the committee. That was on March 22 that we met and marked up the bill and reported it to the floor of the Senate.

The Export Administration Act provides the President authority to control exports for reasons of national security and foreign policy. I think there is a strong national interest in Congress reauthorizing the Export Administration Act. If we do not do that by August, there will be no Export Administration Act. And, in fact, we are now working under a temporary extension of the Export Administration Act, passed in the last Congress, which will expire in August.

Before we passed that temporary extension, we were dealing under the International Economic Emergency Powers Act. Let me be very clear about this because it is very important. We need to understand what the situation has been and what the situation will be if we do not act on this legislation. The Export Administration Act has not been reauthorized since 1990, except for temporary extensions in 1993, 1994, and last year. In other words, for most of the past decade we have been operating without an Export Administration Act. We are now in the framework of a temporary extension that expires on August 20 of this year.

Without these temporary extensions—in other words, for over this past decade—the authority of the President to impose export controls has been exercised pursuant to the International Economic Emergency Powers Act—the so-called IEEPA.

In my view, it is highly desirable for the Congress to put in place a permanent statutory framework for the imposition of export controls. That is what this bill will do. That underscores the importance of considering this legislation. Export controls should not be imposed pursuant to the emergency economic authority of the President.

One example of the reason for depending on IEEPA is that penalties that may be imposed under export controls under IEEPA are significantly less than those imposed by this legislation. In other words, reliance on IEEPA and the President's extraordinary authority under that legislation still leaves us falling short in terms of the penalties for violations of export controls for what this legislation provides.

It is ironic that this bill is being in effect contested on these national security grounds when in fact it does more to protect the national security concerns than the existing IEEPA scheme.

The IEEPA scheme is also weak in the sense we are quite worried that it will be subject to a court challenge, which in effect would make the limited penalties that it contains inapplicable. I think that has to be kept very much in mind as we consider taking up this legislation.

This legislation has been worked over very carefully. I think it represents a carefully balanced effort to provide the President authority to control exports for reasons of national security and foreign policy while at the same time responding to the need of U.S. exporters to compete in the global marketplace.

We have two major objectives we are trying to harmonize. I think this legislation does it in a balanced way.

In preparation for acting on this legislation, the Banking Committee held two hearings in this Congress. We held a number of hearings in previous Congresses and two hearings with representatives of industry groups and foreign and Defense Department officials. Extensive consultation took place with representatives of the current administration, including representatives of the Defense Department, the State Department, the intelligence agencies, the Commerce Department, and the National Security Council.

Prior to the markup of the legislation in the Banking Committee, Condoleezza Rice, Assistant to the President for National Security Affairs, sent a letter to the committee. I will quote it because I think it is important. I will quote it actually in full. The Assistant to the President for National Security Affairs in a letter to the chairman of our committee stated:

> The Administration has carefully reviewed the current version of S. 149, the Export Administration Act of 2001, which provides authority for controlling exports of dual-use goods and technologies. As a result of its review, the Administration has proposed a number of changes to S. 149.

Actually a number of colleagues were involved in urging the administration to seek such changes, including colleagues I see on the floor now and who remain, I take it, concerned about this legislation.

To go back to the letter:

> The Secretary of State, Secretary of Defense, Secretary of Commerce, and I agree that these changes will strengthen the President's national security and foreign policy authorities to control dual-use exports in a balanced manner, which will permit U.S. companies to compete more effectively in the global market place. With these changes, S. 149 represents a positive step towards the reform of the U.S. export control system supported by the President. If the Committee incorporates these changes into S. 149, the Administration will support the bill. We will continue to work with the Congress to ensure that our national security needs are incorporated into a rational export control regime.

Mr. SARBANES. Mr. President, a major effort was made by the committee to work through the list of proposals by the administration. Those proposals were incorporated into the bill during the Banking Committee's markup. I thought the administration's recommendations were a balanced set of proposals. I believe they strengthen the overall bill.

Subsequent to that and subsequent to the committee reporting the bill out, the President in remarks to high-tech leaders at the White House on March 28 urged quick passage of this bill by the Senate.

In that appearance at the White House—and I will quote briefly from the President's—actually, he started off by saying to this group:

> Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. And I'm glad I'm living here.

That is the President talking.

He went on and said to the high-tech group:

> I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

He then goes on to say that ''this has been crafted as a good bill. And I urge the Senate to pass it quickly.''

Mr. President, I ask unanimous consent that these remarks of the President in a meeting with high-tech leaders be printed in the RECORD at the conclusion of my remark.

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

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I commend very strongly Senator ENZI, who was chairman of the relevant subcommittee in the last Congress and chairman of the International Trade and Finance Committee, and Senator JOHNSON, who is the ranking member of that subcommittee, for their extraordinary work in developing this legislation. They worked tirelessly both in the last Congress and again in this Congress to help bring us to this point.

I commend Senator GRAMM and the staff of all Senators and the committee staff for their strong efforts to develop a bipartisan consensus on this legislation.

Senator HAGEL and Senator BAYH, who have taken over these positions now in the new Congress on the subcommittee, also made constructive contributions in moving this legislation forward this year.

Let me say this about the legislation. It generally tracks the authority provided the President under the Export Administration Act, which expired in 1990, as I indicated earlier. But a significant effort was made with the excellent assistance of the legislative counsel's office to delineate these authorities in a more clear and straightforward manner.

We made a very strong effort to inject an element of clarity and directness into the statute which would make it easier for the executive branch agencies to administer the statute and for the exporters to comply with it.

The bill makes a number of significant improvements to the EAA. It provides, for the first time, a statutory basis for the resolution of interagency disputes over export license applications. The intent is to provide an orderly process for the timely resolution of disputes while allowing all interested agencies a full opportunity to express their views.

This is very important. There is an orderly process now by which disputes can be moved up the ladder in order to be resolved. So any concern that any department or agency of the Government has as they work through this interagency process can be heard and dealt with and resolved, and, if necessary, at the final level, be resolved at the Presidential level. This orderly process was an issue of great concern to the administration, to the national security community, and to industry.

I think we have reached a reasonable resolution of the issue in this bill. This was an issue on which Senator ENZI and Senator JOHNSON spent countless hours in order to try to work out arrangements that would be acceptable to all. As I have indicated, now they are acceptable to the agencies and the departments of the executive branch across the board. Not one department or agency is coming in now and telling us they think this is not a workable system under which they can operate.

The bill significantly increases both criminal and civil penalties for violations of the Export Administration Act, reflecting the seriousness of such violations.

The bill provides new authority to the President to determine that a good has mass market status in the United States and should therefore be decontrolled. This gets at this issue of, well, you can go out and buy a store on the market. Why are we controlling this good? But the bill retains authority for the President to set aside a mass market determination if he determines it would constitute a serious threat to national security and that continued export controls would be likely to advance the national security interests of the United States. So we retain an ultimate authority in the President with respect to this matter.

At the particular urging of Senator ENZI, the bill contains a provision that would require the President to establish a system of tiers to which countries would be assigned based on their perceived threat to U.S. national security. The intent of this provision is to provide exporters a clear guide as to the licensing requirements of an export of a particular item to a particular country.

The bill would also require that any foreign company that declined a U.S. request for a postshipment verification of an export would be denied licenses for future exports. The President would have authority to deny licenses to affiliates of the company and to the country in which the company is located as well.

You get a sense of the reach of some of these provisions in providing important protections for national security concerns.

We also included a provision in the committee to make a number of technical corrections and incorporate the suggestions made by the administration.

The bill contains a provision from the expired EAA relating to the imposition of export controls on crime control and detection instruments that inadvertently had not been included in the bill as introduced.

So, to close, let me just again underscore that this is a very carefully crafted piece of legislation. It is a very balanced piece of work. I believe that the Senate, when it finally is able to get to the substance of the bill, will provide broad support for it, just as it had broad support in the committee.

Again, I underscore that though it is asserted now that the protections are inadequate for national security and foreign policy, that runs so counter to the situation in which we find ourselves. If you compare what is in this bill with the existing arrangements, or with the previous arrangements under the EAA, this bill has done a good job of providing clarity and providing process of procedure of the arrangements to be followed, which gives to the exporters more definition and more certainty in how they can proceed, what the rules of the road are, while at the same time retaining for the administration, ultimately for the President, very significant powers in controlling exports.

As I indicated, it establishes tough new criminal and civil penalties for export control violations. It strengthens our ability to control critical technologies by building a higher fence around the truly sensitive items. That is very important. One of the things we are trying to accomplish is a focus on the truly sensitive items. It grants the President special control authorities for cases involving national security, international obligations, and international terrorism. It promotes discipline in licensing decisions by codifying the role of national security agencies in the licensing process and then streamlining licensing procedures, and it encourages U.S. participation in strong multilateral export control regimes.

We have a short timeframe to deal with this legislation this year, given that the short-term extension of the EAA expires this summer in August. We need to put in place a permanent statutory framework for the imposition of export controls. I believe this legislation is that framework. I strongly urge my colleagues to support the effort to move to this legislation and subsequently to enact it.

Mr. President, I yield the floor.

EXHIBIT 1

REMARKS BY THE PRESIDENT IN MEETING WITH HIGH-TECH LEADERS, MARCH 28, 2001

The PRESIDENT. Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. (Laughter.) And I'm glad I'm living here.

. . . As well, I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

The technology that you all have helped develop obviously gives us an incredible military advantage, and that's going to be important. And it's an advantage, by the way, that we tend—want to develop, to make sure we can keep the peace, not just tomorrow, but 30 years from now. We've got to safeguard our advantages, but we've got to do so in ways that are relevant to today's technology, not that of 20 years ago.

The existing export controls forbid the sales abroad of computers with more than a certain amount of computing power. With computing power doubling every 18 months, these controls had the shelf life of sliced bread. They don't work.

So in working with the Senate, we're working to tighten the control of sensitive technology products with unique military applications, and to give our industry an equal chance in world markets. And I believe we've got a good bill. It's a bill that I heard from you all during the course of the campaign. The principles we discussed are now a part of this bill. I want to thank Senator PHIL GRAMM for his hard work in working with us and industry and some members of the Senate to make sure the bill that has been crafted is a good bill. And I urge the Senate to pass it quickly.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Alabama.

Mr. SHELBY. Mr. President, I objected to the motion earlier to proceed to the Export Administration Act. I want to share some of my concerns in why I did that.

I, too, serve on the Banking Committee. I have been on it 15 years. I worked with Senator GRAMM, Senator SARBANES, Senator ENZI, and Senator JOHNSON. It is a great committee. It is the committee of jurisdiction for this legislation. I also happen to be chairman of the Select Committee on Intelligence. And this is why I am concerned about this piece of legislation today.

Yesterday, we in the Intelligence Committee spent 2 hours being briefed on the damage of our national security from China's seizure of sensitive technologies aboard our EP–3 reconnaissance plane, which remains, as of this hour, in Chinese custody.

Chinese technicians are picking that plane apart, and I do not believe they

are looking for loose change under the seat cushions.

Yet today, right now, we are talking about moving to debate a bill that will make it easier for the Chinese, and others, to get technology like that aboard the EP–3 and other advanced technologies without any licensing or export restrictions.

I ask my colleagues: What is wrong with this picture?

I am sure the Chinese leadership can't believe its luck. The U.S. Senate, which until a few days ago was criticizing China's aggressive tactics, militaristic policies, and disdain for the rule of law, is now rushing to open the floodgates for the advanced technologies China needs to upgrade its military.

And a few days after the administration announced an unprecedented package of arms to help Taiwan defend itself, the Senate wants to sell China the very technologies that will help it to overcome Taiwan's defenses, and threaten the U.S.

The events of the last several weeks underscore a fact that has been apparent to many of us for some time: China is not our strategic partner. It is our competitor and could be our adversary.

Yet we are moving ahead on this bill today as if these events never occurred. I fear the Senate is signaling to the Chinese that whatever they do and however much we may criticize their actions, we will always put our commercial interests ahead of our national security.

We have done this in the past, and we are reaping the results today.

Equally important is the risk of advanced dual-use technologies falling into the hands of countries such as Iran, Iraq, or Libya.

While supporters emphasize the economic benefits of provisions in this bill that would ease controls on exports to large markets like Russia and China, they don't tell you that Russia and China are routinely identified by the Director of Central Intelligence as the ''key suppliers'' of nuclear, biological, and chemical weapons technologies.

Although this bill may help our U.S. technology industry increase its exports in the short run, I believe its impact on our national security in the long run may be disastrous.

As a result, I cannot support proceeding to this bill at this time until the entire U.S. Government has had an opportunity to thoroughly review the legislation, take a fresh look at our overall China policy, conduct an in-depth study of our export control policies, and address the national security concerns shared by the chairmen of the national security committees in the Senate.

In addition to these governmentwide efforts, we in the Senate must do our homework. This is an extremely complex piece of legislation that raises a host of extremely complex issues. They need to be debated and looked at thoroughly.

The economic benefits of increased high technology exports are quickly apparent and relatively obvious; the national security implications are less immediate, less obvious, and often classified.

Therefore, before voting on this legislation, every Senator should have the benefit of the extensive briefings that Senators WARNER, HELMS, THOMPSON, KYL, MCCAIN, and I have had.

Should the Senate now vote to take up the EAA, I intend to join my colleagues from the other national security committees in setting forth in detail our concerns about the national security implications of this bill.

We believe the case is compelling for those who are willing to listen.

That is why I object to proceeding with the bill so soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today in support of this historic legislation before the Senate. I regret that there is resistance to the motion to proceed. I believe it would be best to proceed to the consideration of this legislation by the full Senate, to debate the merits of the legislation, and, for those who object, to provide opportunities for them to offer amendments to be debated on their merits in the course of our consideration.

Whether we move forward today or are delayed a couple more days, it is important that we move ahead as expeditiously as we can on passage of the Export Administration Act reauthorization.

This legislation is the culmination of many long hours of bipartisan cooperation to modernize America's export laws to reflect our rapidly changing world. It was first put together last year, when I served as ranking member of the Subcommittee on International Trade and Finance of the Banking Committee. Senator ENZI, my Republican colleague from Wyoming, served as chairman of that subcommittee. We were able to pass similar legislation out of the committee on a 20–0 vote. This year Senator ENZI and I have moved on to other subcommittees but have remained actively involved in this issue.

I particularly commend Senator ENZI for his continued strong leadership and the work he and his staff have put into this effort. The consequence of that work during this Congress has been the legislation before us that passed out of the Banking Committee on a bipartisan vote of 19–1 and which has the support of the President of the United States, the Secretary of Defense, the Secretary of State, the Secretary of Commerce, as well as the National Security Adviser to the President.

While there are some who raise the specter of diminished security concerns, it is interesting that, in fact, not only is there overwhelming bipartisan congressional support for this balanced piece of legislation, but the people who are most knowing or most in the position to advocate for strong national security in America, our President and Secretaries of Defense and State, are all supportive of this legislation. To raise the specter of China strikes me as something that has been thought through very carefully by our President and our defense establishment in the course of endorsing and supporting this bill.

The fact is, under this legislation, our national security would be strengthened, not diminished. Yes, sales of technology items could be made to China but only those items which our defense establishment and our President endorse as appropriate sales and which are otherwise available on the open market.

I have had the great pleasure of working on a team with Senators ENZI, GRAMM, SARBANES, and their staffs, to craft this legislation. I thank them for their professionalism and their cooperation on this effort. It is rare that legislation of this importance comes before the Senate with this level of bipartisan support, and the cooperation and support of the White House and the defense and commerce establishments in the United States. It is a rare day that legislation of such consensus comes before us. I had hoped we would not lose this opportunity to advance the interests of our national security and our economy at the same time.

I am gratified for the support of the Bush administration and their willingness to express their support for the legislation.

I also note with appreciation the role Senators GRAMM and SARBANES have played. We have had constructive participation across the board, and that spirit contributed to the construction of the newly amended version of S. 149 that is before the Senate today.

As my colleagues know, we live in a truly global economy. America has enjoyed unprecedented growth in recent years in large part because of the expansion of our marketplace overseas. American businesses look well beyond our borders for customers, and exports play a critical role in keeping our economy strong. We have also seen enormous changes in the goods, services, and the technologies American companies produce.

Back in my home State of South Dakota, we have seen a 172-percent increase in high-tech employment over this past decade. Our workers have benefited from the good jobs and fair salaries that the high-tech sector brings. The goods, the services, and the technologies they produce are in tremendous demand throughout the world.

However, we must not be naive. Certain products and technologies can be used for the wrong purpose. But we must not allow fear to prevent us from crafting laws that face those issues head on and establish a balance between economic growth and national security, and our other needs.

The Export Administration Act is a thoughtful, balanced bill. EAA is an important step toward ensuring our continued ability to export American goods to the rest of the world. At the same time, EAA includes the necessary safeguards to ensure that our export policy protects our vital national security interests.

Since EAA's expiration in 1990, Congress has declined numerous opportunities to reauthorize the EAA. I lament those missed opportunities, and strongly urge my colleagues not to squander the opportunity before us today.

Reauthorization has become still more urgent as the courts consider the legality of our reliance on an expired EAA, and on the annual temporary extensions we provided in the underlying legal authority claimed under the International Economic Emergency Powers Act. I fear the day that one of these challenges will ultimately succeed and strip this Congress of any control over sensitive dual-use technologies. Contrary to what some of my distinguished colleagues may argue, reauthorization of the EAA in fact greatly enhances our national security.

We had a simple goal when we embarked on this effort: reduce or eliminate controls on exports with no security implications, and tighten controls on exports that raise security concerns. These principles are not controversial; yet crafting legislation that puts these principles into practice has been difficult to accomplish.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns in a balanced manner.

We increased the penalties on export violations, so that violators of export control laws will pay a real price for breaking the law. We made realistic assessments with respect to what items should be decontrolled based on foreign availability and mass market standards.

It does us no good to be trying to limit the export of items that can be found anywhere on the open market throughout the world.

In one respect, however, I am disappointed. I am disappointed that we were forced to drop title IV, which lifted the practice of using food and medicine as a weapon against rogue nations. It is my understanding that a majority of the national farm groups believe our language could potentially delay regulatory actions with respect to the lifting of sanctions.

But as important as that legislation is, I also acknowledge that there are other forms, other vehicles, legislatively for those issues to be taken up at a time when we need to focus primarily on the export of high-technology products and the defense implications of those exports in the course of this debate. I am confident there will be other opportunities to raise the larger issue of economic sanctions on agricultural and medical products throughout the world.

My colleagues, the Export Administration Act is a good bill. It is a balanced bill. It is good for America and for Americans.

S. 149 strengthens our national security—it doesn't weaken it. To those who argue against this legislation in light of recent events with China, I respectfully refer to them to the Cox Report that specifically recommended reauthorization of the EAA as a way to strengthen our national security with respect to exports to China. The EAA is a strategic, intelligent response to the real threats that face America.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The high-tech field will lead our economy into the next century. We understand, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting access to limited specific goods, services and technologies. That is the balance we seek to strike, and I believe S. 149 does that.

That is the balance that has caused this broad-based, bipartisan support, and the support of the White House, for this effort.

I look forward to a vigorous debate of these important issues. Passage of this EAA bill will make a significant contribution to our national security and will help bring transparency to our export control system. I encourage my colleagues to join this bipartisan, balanced approach to these critical issues.

I regret that we may not proceed today on the motion. If that is the case, I have great confidence that with the cloture motion we will be back on this legislation within a very short period of time.

Again, in closing, I commend the leadership of Senator ENZI, my friend from my neighboring State of Wyoming, and his staff for the work they have devoted to this effort, as well as to Chairman GRAMM and the ranking member, Senator SARBANES, who have worked with us and with their staffs throughout this entire effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I support the chairman of the Intelligence Committee, who objected to proceeding at this time on this bill. First of all, I wish to state my reasons for supporting an objection to proceeding at this time.

I do not think this bill is going to be delayed indefinitely. It is not my wish to do that. I think the Export Administration Act ought to be reauthorized. I have thought that for a long time.

The question is, What is going to go in the act when we reauthorize it? We have had a vigorous bipartisan debate inside the Senate, and I would venture to say also inside the House, among our Members, as to what we ought to do about controlling or decontrolling certain sensitive items in this country. We all have the same goals, but we have markedly different views regarding certain aspects of how to achieve those goals. We now are being—after having about 24 hours' notice—asked to take up a piece of legislation which has national security implications, which is controversial, which is going to take some time in order to consider amendments which we think can benefit and strengthen the bill. It is going to take some time in that regard. It is simply not something that we should be fitting in in the middle of a week for a day, or day and a half, and either dispose of it or continue it on to another time. We ought to try to get together and set aside some time, a reasonable time—I would be in favor of a time agreement to do that—so amendments can be heard and we can debate the merits of the bill.

This is not the time to do that. It is going to take more time than what we have right now. At the outset, perhaps in some respects in a very general sense, balancing our concern over commerce with national security is what we are about. But that is not what the Export Administration is all about. That is not what export controls are all about.

It is pretty clear that what that is all about is national security. It doesn't say anything in this bill or anything in the legislation on the books now that we should engage in this balancing act of commerce versus national security. What it says is that you protect national security. In the bill before us, the purposes are set out. The purposes of national security export controls are the following: To restrict the export of items that would contribute to the military potential of countries so as to prove detrimental to the national security of the United States and to stem the proliferation of weapons of mass destruction.

That is what this bill before us states is the purpose of these controls. That is with what we are dealing.

As we proceed, I hope we do not think we should strive so hard to draw a 50–50 balance with regard to the considerations involved because they are heavily weighted, to say the least, toward national security. That, of course, is the basis of our concern.

In terms of the timing, it is my understanding that a part of the administration's position is they want to draft an Executive order that will strengthen the visibility and the voice of other Federal agencies in the interagency dispute resolution process that will give the Department of Defense greater visibility and a major role in the commodity classification process and ensure that deemed exports are covered, which are not covered by this law. Those are three very important provisions that the administration says it wants to address by means of an Executive order.

I think we are entitled to see that Executive order. I believe we would

want to consider whether or not to make them a part of the legislation. They are very important items, as important as several of the items that are in the legislation.

It is only proper, considering the severity of the issues with which we are dealing, that we have all of the cards on the table and that we deal with them in an appropriate manner.

Also—and the chairman of the Intelligence Committee alluded to this—this is the wrong time to bring this up for another reason. It has broad ramifications and broad applications with regard to many different items and many different countries, but this is, in many respects, a China trade bill.

Much of the impetus among the commercial world for getting this passed has to do with decontrolling previously controlled items, many of which are high-technology items, many of which have potential military application, and many of which would be going to China. They have a vast potential market. Only about 10 percent of the items we export to China are controlled items. So it is not a large part of what we are doing with them right now.

Apparently the idea is, with China's concentration on high tech and their need for our supercomputers and other sensitive matters, that trade will pick up and the desire among industry is to more easily export without having to apply for a license, that trail of what granting a license entails. That is what this is all about.

At a time when the Chinese leadership is issuing belligerent statements with regard to our policy toward Taiwan, right after they detained 24 American crew members and, as the chairman of the Intelligence Committee pointed out, we are feverishly trying to destroy computers aboard those airplanes and other items of hardware and software, at a time when the Chinese are engaged in a rapid military buildup and have 300 missiles on their coastline that can be used against Taiwan, at a time when they are detaining Chinese American scholars against their will, I do not think this is the time to send the message to China that we are going to engage not only in business as usual but become even more liberal in our policies of sensitive exports. We had best wait until that dust settles a little bit before we take it up.

We have had a policy in this country for some time of controlling certain matters that fall into the sensitive category with regard to supercomputers, milling machinery, centrifuges, and a host of items which have dual use, both civilian and potential military use.

It has always been a concern as to how far we can go in allowing civilian trade without the items being used by the military. We find from time to time, on the rare occasions we check on them, that China has diverted from civilian to military use. The Cox Commission points out to us that they are using our high technology to benefit their military. It is not that we have to speculate about that.

This Congress has responded in various ways with regard to high-performance computers which can be used for simulation, for nuclear testing, reliability, and without actually doing the testing of the bombs. They can use computers nowadays to test the efficacy of their bombs by use of high-speed computers. So Congress in 1998, as a part of the National Defense Authorization Act, provided, with regard to these high-speed computers, that there should be a national security assessment to see to what extent we might be harming ourselves.

That act also provided for postshipment verifications for tier III countries, such as China; in other words, to see how these computers are actually being used in China.

It also required congressional review with regard to notification thresholds. We require our exporters to notify the authorities when they are doing certain things at certain levels. If the President is going to change that notification threshold, he needs to notify Congress.

The bill before us would basically do away with all of those requirements and would abrogate those requirements that Congress set down in 1998. If we take these broad categories of items totally off the books and say there is no licensing at all, there will be no monitoring even of what is being shipped to whom. There will be no ability for a cumulative effect analysis. This particular item or that particular item does not have a serious effect but the cumulative effect of all of them might. That is a requirement of the law that has not been observed in the last decade, as far as I know.

This is going to be the basis of the discussion. That is not to say we should not reauthorize the act. That is not to say we cannot improve and close some of these openings that I believe are unfortunate and uncalled for and deleterious to those issues on which we all agree.

We hear all this talk about building bigger fences around a smaller and smaller number of items, but I do not see where the fences are. I would like to have explained to me how we are building higher fences by this act, because this is a decontrolling, in large part. There are certainly other provisions, but I see nothing where there is a tightening of the process in building higher fences. We are winding up with more openings in that fence instead of building a higher fence.

Substantively, the bill before us is a good improvement over the first draft last year. We had certain concerns about it. We had a lot of discussions about it. It was vigorously defended.

The administration has come in and just within a few days—they have two people confirmed in the Department of Defense right now. That is with what we are dealing. When we talk about the administration and all these various agencies that have a piece and a part of this as we go through the licensing process, let's keep that in mind.

It will be the better part of a year before this administration is intact because of the scandalous difficulty we have in getting people through this process in our Government. It has been going on for a long time.

A lot of these things require input of people who are appointed by the President and confirmed by the Senate. If this bill was part of the law today, as far as defense is concerned, as far as appealing something, for example, in the export control process, it would either have to be Mr. Rumsfeld or Mr. Wolfowitz because they are the only ones who fit that criteria. That is totally unworkable.

Another reason not to rush is that we do not have an administration that is fully staffed in the relevant departments.

One of the key provisions involves foreign availability, the idea if under the Secretary's determination, after consulting with others, the Secretary of Commerce determines there is foreign availability of an item, they will lift controls, the idea being it will not do any good to try to control that.

There is probably some truth to that. It very well may be we are trying to control more than what can be controlled. The real question is not whether or not we on this side of the issue or our colleagues on the other side of the issue can sit here and determine what ought or ought not be controlled. The question is, can we come up with a procedure where on the questionable items, we know they will get full, fair, and complete consideration by people who ought to be considering the products. That is the question. We are not talking about things all over the world, through Radio Shacks around the world. Keep in mind, we are not talking about restricting any of these items from being exported. We are talking about whether we ought to have a license requirement.

Most of these items are going to be exported anyway. The difference is whether or not it will take 30 or 45 days or whatever the normal amount of time is. Sometimes goods are held up longer than that. Sometimes they are held for national security reasons and this cannot be explained to the person making the application. There is a bit of delay there. In most cases it is not a great delay.

Some say our competitors are so hot on our trail, our European allies are so close to us in technology that the month delay will mess up a large number of sales. That is not very credible as far as I am concerned. We have the lead in so many areas that going through the licensing process, if it goes through as it should and is supposed to, is not going to make the difference in terms of this commercial activity.

We need to think through the foreign availability argument. If the genie is out of the bottle and none of these things can be controlled, why do we still have restrictions on rogue nations? If we furnish Saddam with the

computers, wouldn't that be better than having somebody else furnish them, if he is going to have them anyway, or the centrifuges or the milling machines—they are sensitive—that go to make nuclear items? There are certain good arguments, good reasons to be made that he will have it anyway; why not supply it with our companies so we know exactly how it works.

I find it a bit inconsistent to say none of this stuff is controllable. It is out there; you can't do anything with it. But we want to make real sure we keep these controls on rogue nations—Iran, Iraq, and the bad guys. Clearly there is a limit. Clearly there is a line. Maybe we have not drawn the line in the right place in times past. Maybe even the old end top criteria is out of date. It has been going so rapidly up it has become almost irrelevant. Many have been critical of the Clinton administration for raising it so rapidly and now it will be done away with altogether. We are having to take a new look at that. People say you cannot regulate computing power. You have to regulate or deal with the software. You have to deal with the application being made with the use of the computer. It is a different kind of world with which we are dealing.

We have to be careful. While acknowledging that technology has greatly expanded and there are more things in the world that perhaps can't be controlled, there are still some areas where we do not want to open the floodgates. The question is, What are those areas and what kind of procedure will we have to ensure that those are not sent along with the rest? When we deal with thousands and thousands of items, it is not an easy answer.

The President, it has been pointed out, under this bill, can have a set-aside if there is a threat to national security. On this business of balancing commercial interests over national security, get a load of this: The set-aside provides the President can take this action only if there is a threat to national security, not because it has national security implications. I assume this is a direct threat. I don't know. But the President cannot do this until there is a threat to national security. Then once he makes the determination that there is a threat to national security, he has to leap more hurdles than if he were in the average track meet. If he makes the designation, he has to report to Congress and justify himself. Then under this bill he is required to pursue negotiations to try to get the countries making this available to quit making it available. He has to notify Congress about that. Then the President has to review this matter every 6 months.

Remember, this is a matter that is a threat to national security. He is required to review this every 6 months so it can be lifted if the circumstances change. He has to report that to Congress and justify not lifting it. Then the President, after having gone through all of that, if the set-aside is still standing, has to relinquish his set-aside if there is still not a high probability that there will be any changes made in terms of the foreign availability picture, and if there is no agreement under any circumstances after 18 months, the President has this authority. We make the President do a lot of things and place burdens on him to do that.

As far as mass marketing is concerned, it has to be a serious threat to national security. Foreign availability, he can set it aside with a threat to national security. For some reason, if the item in question is mass marketed, just in the United States, presumably, the President has a set-aside if there is a serious threat to national security.

We will want to debate and see whether or not we can improve that language, whether or not we want to set that high standard for a President to stop an export, that it has to reach that extremely high standard when we know already that the Chinese are using our high technology to benefit their military.

The penalties are great in this bill. There is no question about that. But before an item has already been decontrolled, there is no danger of any penalty coming into play.

My concern is this: We have a couple of basic trends going on in this country. One is that we are moving pell-mell to decontrol. The genie is out of the bottle. There is no question about that. The last administration certainly liberalized our control procedures. The Chinese and others certainly took advantage of that. We are still moving in that direction. Perhaps we should, to one extent or another. But there is no question that using the word ''decontrolling'' with regard to matters of high technology, with regard to matters of dual use, with regard to matters that have military significance, we are saying, ''What, me worry?'' and rapidly decontrolling. This would enhance that process and take it to another level.

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

Mr. THOMPSON. I am glad to.

Mr. MCCAIN. Is there any doubt in the Senator's mind that over the past 8 years of the previous administration—is there any doubt in his mind that sensitive technology that affects American national security was transferred to China, Iraq, and other nations?

Mr. THOMPSON. No, there is no doubt in my mind, Senator.

Mr. MCCAIN. So my further question is, If sensitive technology which affects American national security was transferred to China, to Iraq, and perhaps other countries, are we going in the right direction with this legislation or are we going in the opposite direction of loosening these controls, according to this legislation?

Mr. THOMPSON. There is no question that we are loosening. There is no question that it will inure to the benefit of the Chinese, who are well known to be concentrating especially on high-technology matters, building up their military, building up their missile capability—both ICBMs and shorter range missiles.

I think the best witness on this, Representative COX, has been quoted a few times. The Cox Commission stated in July 1999:

> The People's Republic of China was diverting U.S. manufactured high-performance computers for unlawful military operations. Specifically, it was using American-made computers to design, model, test, and maintain advanced nuclear weapons. The commission clearly stated that the illegal diversion of high-performance computers for the benefit of the People's Republic of China military is facilitated by the lack of effective post-sale verifications of the locations and purposes for which the computers are being used. High-performance computer diversion for PRC military use is also facilitated by the steady relaxation of U.S. export controls over the sale of high-performance computers. The committee added that U.S. origin high-performance computers have been obtained by PRC organizations involved in the research and development of missiles, satellites, spacecraft, submarines and military aircraft, just to name a few.

Mr. MCCAIN. If there is no doubt in the Senator's mind, and I think it has been clearly established in several cases—I think one was the case of Loral where the Chinese missile technology was increased through the transfer of technology—I am curious, if it is a severe problem, and obviously our relations with China have not improved recently, to say the least, our sanctions efforts against Iraq have been eroded by the disappearance or dramatic reduction in the coalition that imposed sanctions on Iraq, yet we are now trying to pass legislation in very short order that reduces these controls that inhibit our ability to examine these systems and their export to these countries.

Finally, could I ask the Senator, how much involvement have the sponsors of this legislation allowed the Senator from Tennessee and my colleague from Arizona, Senator KYL, and Senator SHELBY? Have they tried to involve you in negotiations, conversations, or amendments?

Mr. THOMPSON. We have had extensive conversations on this over the past, I guess, year and a half. My desire would be that—this has been off the table now for some time. Until yesterday, I did not know it was going to be brought back up. But now that it has been brought back up, it is back on the table, as we all knew it would be and should be, that we would sit down again on some proposed amendments to see if we could agree on some. We might be able to.

As I say, I think they have improved the bill. It is all in the eye of the beholder. The thinking was it was a bill right where it ought to be. The administration came along and made 20-some-odd suggestions. I understand they were adopted. Presumably, it is a better bill. Maybe it can be even a better bill.

Up until yesterday, the negotiations did not go the way I would have liked for them to go, frankly, but I cannot complain about not having been included in discussions. We have had a lot of discussions.

What I would like to do is address the question of the Senator, though, a little bit more directly, the other question he asked. The question is: Why? I think the answer would be that for some of these items, there is foreign availability. If they are out there and France or someone, or Russia, let's say, is supplying China with these items, why shouldn't we?

It raises a question—I did not plan on getting into the substance of the debate as much today as we will later on—as to whether or not there is a moral dimension to our foreign policy, whether or not there is a moral dimension to our export policy, whether or not, because some other entity is supplying somebody with something they should not have that hurts our national security potentially—and these items I am talking about, some of them, are serious threats to our national security, as acknowledged in the bill, if it is mass marketed—whether or not, even if they would get them, we ought to be supplying them.

I would not feel any better to find American troops shot down with technology supplied by American companies if I knew there was mass marketing of those products. In the last year, the PRC reportedly was illegally using American supercomputers to improve their nuclear programs. Just 2 months ago, we learned that Chinese technicians were installing fiberoptic cable for Iraqi air defenses, a clear violation of U.N. sanctions.

Worse yet, this assistance and technology which were provided to Chinese companies by American firms when President Clinton decontrolled this equipment over the objections of NSA in 1994 aided Saddam Hussein in his quest to shoot down American and allied pilots.

I don't know if it proved whether or not this very strand of fiberoptic was used down there or not. But what apparently is pretty clear is that we took this Chinese company from a startup and, because of business that we did with it, put it in a position where they could go down to Iraq and help Saddam Hussein better shoot down our pilots. That merits serious consideration. It does not merit a day or a day and a half of discussion in some kind of desire to balance what we are talking about with our commercial interests.

Mr. MCCAIN. May I ask a final question—and I would like to state I agree with Senator THOMPSON. This is a very serious issue. It brings into question the influence of big money and big business in American politics. But would the legislation that we are discussing have facilitated the ability of the Chinese to acquire that technology and transfer it to Iraq or would it have been made more difficult?

Mr. THOMPSON. I have not thought it through. I think after it was decontrolled in 1994, over the objections of the National Security Agency, the cat was out of the bag. I am not sure it would have made any difference.

I think the point is that what we are dealing with today would further decontrol a host of additional items that heretofore you had to have a license to get.

Some of those—I would venture to say the large majority of those things—would be harmless. But my concern is whether or not we have a procedure to catch the ones that are not harmless. That is what we are trying to deal with here. I hope we can move in that direction.

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

Mr. THOMPSON. I will be happy to.

Mr. JOHNSON. I am interested, given his remarks today, whether the Senator views President Bush's support for this legislation, support expressed by our Secretary of Defense and Secretary of State, as reflecting an inadequate consideration of the implications relative to China and inadequate consideration of the moral dimensions of our trade policy in the United States and certainly an inadequate consideration of the national security fundamentals of our Nation. Does the Senator suggest the Bush administration is in error in their support of this legislation?

Mr. THOMPSON. I would respond to the Senator that my concentration has to do with my own obligation. I respect the members of this administration who have taken a look at this in a few days, and with the few people they have had take a look at it.

I respect their opinion. I weigh it very seriously. We are another branch of Government. We have obligations also. The Senator from Texas points out that the Banking Committee has a lot of jurisdiction. That is true. The chairman of the Intelligence Committee has a lot of jurisdiction. The chairman of the Foreign Relations Committee has a lot of jurisdiction. The chairman of the Armed Services Committee has a lot of jurisdiction. They are all concerned about this. I am concerned about it.

I would like to always be in agreement with all of my friends. Sometimes it is difficult to do.

I referred to the Cox Commission report. As I say, he has been quoted in regard to this piece of legislation. I am not sure where he stands on this piece of legislation. I am sure he supports the Export Administration Act reauthorization, as I do, but it has been said that the bill addresses the major findings and recommendations of the Cox Commission report. Upon closer examination, many of the Cox Commission's conclusions are not addressed. For example, the Cox Commission recommended that the Government conduct a comprehensive review of the national security implications of exporting high-performance computers to the PRC. Yet S. 149 does away with that requirement.

The Cox Commission also recommended reestablishing higher penalties for violations, which was done, but the evidentiary standard was lowered and promotes the sale of high-performance computers to the PRC for commercial but not military purposes provided the PRC establishes an open and transparent system to conduct onsite inspections of the end use of these machines.

This bill takes these recommendations in an opposite direction. We are going to have an opportunity to go through in detail the extent to which this comports with the recommendations of the Cox Commission.

The Rumsfeld Commission, of course, points out that one of the more serious concerns that we have had in Congress for some time is the proliferation of weapons of mass destruction. Even though it was significant to learn the extent to which some of these rogue nations have the ability, or rapidly developing the ability to hit the United States with missiles and weapons of mass destruction, and the fact that they were getting a lot of their capability from China and Russia, I think perhaps the most significant and troubling part was the fact that our intelligence was not aware of the extent of these things.

Intelligence is not perfect—nobody's intelligence and no country's intelligence. I think they do a good job on most occasions, but they were behind the curve on this.

I simply reiterate that in matters of this importance it is not something we ought to take to the floor and discuss in general terms, talk about balancing, and do in a day and a half. We need to be concerned about what else is not going to be caught by this process. We need to be concerned about the big picture, and we need to be concerned about the little details that have to do with the interagency dispute resolution.

For example, as was pointed out, if someone disagrees with a determination as to whether or not an item ought to be controlled, it can be escalated by a majority vote. But it can only be escalated by someone who has been appointed by the President and has been confirmed by the Senate.

Hopefully, we will have these Departments staffed. We have Defense, we have Commerce, and we have several other Departments that have a place in this. But they are grossly understaffed and will be for some time.

Incidentally, the process has never been taken to the President of the United States in the history of process, if you want to know about the practical application of this thing. But it looks pretty good on paper, and maybe it can work.

Do we really want to have that escalation done only by someone appointed by the President? Shouldn't he be able

to delegate that somewhere for someone to handle that kind of paperwork on the thousands of the items that are going to be coming to the floor? Is the intention to make it such a high level to escalate that there will be much less escalation so that people who may have concerns and objections will not bother under that kind of a system? I think we have seen that before.

We had extensive hearings before the Governmental Affairs Committee with our inspector general, who looked at all of this. They came to the conclusion at that time that the Defense Department was under the impression that there was inadequate input by the Defense Department.

Will this cure that? I do not know. It looks to me as if it is more difficult under this regime to raise a question. They are supposed to be included under the bill. Are they really going to have a practical voice? Those are the kinds of things we need to look at.

Again, my objection to doing this now after having learned about the consideration of it yesterday was not because I necessarily opposed the reauthorization of the Export Administration Act. I do not. The world is not going to come to an end if we don't consider this now. It has been in this condition for several years now. It can wait a little while longer until hopefully the dust settles down in terms of our relationship with some of the people to whom we are going to be sending all of these additional items. Wait until the administration becomes a little better staffed so they can deal with these things.

I respect the administration and the people handling it. I respect my colleagues who have pushed this because I think they have legitimate interests in making sure we are not unnecessarily hurt in terms of our economy.

But we have to make sure in the present environment—I read as well as anybody else about the tremendous interests out there that have been brought to bear on getting this done, and we have to make sure we listen to their legitimate points but that we don't lean too far too fast in that direction until we have thoroughly explored the alternatives. Hopefully, we will have some amendments that will improve upon this, and maybe we can even agree to some amendments.

But, again, we are on a motion to proceed right now. It has been objected to. I agree with that objection for those reasons.

This is not the kind of issue we should consider in short order and in the limited amount of time that we have now, unless we can reach some time agreement that I will agree to right now after consulting with my colleagues who have other amendments in order to have a thorough debate on this issue. It is going to come.

We cannot and will not hold this up. I know which way the wind is blowing. I can guess probably what the outcome is going to be. But hopefully it will be done after a thorough and deliberate consideration in this Chamber of all of the ramifications and with a fair consideration of some amendments.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The gentleman from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate the comments of all the Members who preceded me. It has been a very nervous situation to have to sit through all the statements when I would like to have been contributing all along. Over 2 years of my life I have invested in extensive meetings on this bill. I figured I could wait a little longer.

I support the motion to proceed. I unequivocally support the motion to proceed. I am sincerely disappointed that we didn't get the motion to proceed. I would be happy to agree to a time agreement. What we are faced with right now is unlimited debate on whether we get to debate.

So I would like to have some kind of a time agreement, if we got passed this motion to proceed—which is unlimited debate on whether to debate—then we have unlimited debate on unlimited amendments. So there is the capability of doing extensive debate on any amendment that anybody wants with no time limits on any of those amendments or debate on the entire bill. So I would be just delighted if we could proceed and look at those amendments.

I appreciate the Senator from Tennessee's response about the extensive meetings that we had previously. I am sure he has noticed that in this bill there are extensive changes that resulted from those meetings. The most particular one is the Presidential set-aside, the Presidential set-aside that allows the President ultimate authority over every bit of national security, which is what the President should have. We did allow that in every instance. We think it is constitutional. We did not think it had to be in the bill, but it is in the bill now. We think that change alone makes the biggest difference in national security in the history of the United States, but particularly in the history of export administration.

We have some things in this bill that are absolutely crucial. We have some things that need to be done for national security. I am not talking about a balance. I am talking about basic national security, where everybody who looks at national security says we need this Export Administration Act. We do not need a temporary extension of it. We definitely do not need to be operating under the President's Executive order, the IEEPA process, in order to have some control over our national security. That is what has led to the national security problems we have had since the act expired in 1994.

These problems we are talking about in relation to China—and I am glad we are having that discussion—you will recall we said, bring this bill up any time; we do not care what kind of international crisis there has been with China; it is a good time to discuss national security, no matter what the timing with China. We did not expect it to be quite this timely, but we are willing to work with that because we want to make sure this country's secrets are not taken.

Most of what has been referred to happened after the act expired in 1994. When it expired in 1994, we were faced with an Executive Order and the President using some of his emergency powers. What is the big difference with that? Penalties are the big difference with that. Penalties dropped down to $10,000 a violation. On the multimillion-dollar contracts we are talking about around the world, $10,000 is less than a contingency. It is less than the cost of an ad in many cases.

Mr. President, $10,000 is not a penalty. It is not a deterrent.

Penalties are an important part of this act. The penalties expired in 1994. We have them under a short extension of that old bill that lacks a lot of the security we need, purely by an agreement that we would extend it until August 20 of this year. That means on August 20 of this year we are back to the same old bind where companies can violate national security for less than the cost of an ad. It should never happen in our country.

When I became chairman of the International Trade and Finance Subcommittee, with Senator JOHNSON as the ranking member, and found out that the main piece of business we had to face was this Export Administration Act, we started digging into it. We have kind of lived together for a couple years, going to meetings, meeting with anybody we possibly could who had an interest in it, trying to find out how the process worked, looking at what had happened to it before. There were 12 previous attempts to get this passed. How could something that is this important to the country not make it through on 12 successive attempts? Well, I am getting a better and better idea every day. Part of the reason is that we are so security minded we would lock up all exports in exchange for security. But that will not provide security. So we need a system that will work. Bringing everybody together on a mechanism that will work has been an interesting and difficult process.

I do thank my colleagues on the Banking Committee for their support and their recognition that this legislation is needed to strengthen our export control system. I do appreciate the support of the administration. President Bush and his team immediately realized that the reauthorization of EAA was vital to the national security and the economic interests of this country.

With the few changes that were made by the Banking Committee during markup, the bill received the written endorsement of President Bush's national security team. That includes the Secretary of State, the Secretary of

Defense, and the National Security Adviser. Those are people who are in place. I know they have had advice from people who have been working on this issue for years.

On March 28, 2001, not very long ago, President Bush called the committee's action good news and urged the Senate to pass it quickly. You have heard the longer versions of that earlier in this Chamber.

Mr. JOHNSON. May I put a question to the Senator from Wyoming?

Mr. ENZI. Certainly.

Mr. JOHNSON. Given the support of this legislation by the Bush administration, including the Department of Defense, the Secretary of State, the Secretary of Commerce, it has been noted in this Chamber that somehow the Bush administration is not yet staffed up. Do you believe that the Bush administration would endorse legislation of this consequence and of this importance if they felt that somehow their counsel had been inadequate or had been short? Or do you believe that the Bush administration felt very comfortable about its familiarity with the details of this legislation in issuing its recommendation for passage?

Mr. ENZI. I am certain that the Bush administration has felt the importance of getting the EAA reauthorized. They have been looking at the documents that have been mentioned on the need for this for several years.

I was very pleased during the campaign that President Bush addressed, as part of his campaign, this Export Administration Act. He had looked at a number of the principles. In fact, on his Web site he has listed what he thought ought to be included in the Export Administration Act. It gave me a lot of confidence that he had looked at the Export Administration Act that you and I worked on because it went point by point on it. I was pleased with the diligence with which the administration and their staff spoke to me and my staff. We were able to go through a lot of the points and a lot of the questions and a lot of the past discussions and a lot of the past meetings we had had with other Members to be sure to cover as completely as possible those items of national security.

Mr. THOMPSON. Will the Senator yield for a brief question?

Mr. ENZI. I will. I was hoping to finish my statement.

Mr. THOMPSON. I am sorry.

Since my comment was referred to, I want the Senator to be aware, if he is not, that my reference was meant to be with regard to staffing, not with regard to making the recommendations that they have made. It was with regard to carrying out the bill once it has been enacted. It has to do with personnel, people appointed by the President and confirmed. My concern is, these various departments, they have a skeleton crew of people that fit that description.

So my reference to a lack of staffing has to do with their ability to effectuate the appeals process, and what have you, once this is enacted.

Mr. ENZI. I am glad the Senator raised that point because we have export security that is being executed at the moment. We do not need this bill for export security to begin. It is happening right now. The people who are in place right now are in charge of our national security under export administration. They are having to deal with inadequate legislation to be able to do what needs to be done.

So while the staff isn't there, they are still having to comply with licensing. I do not know how they are doing it except that there are still many civil service employees who have been around, and will be around, and are dealing with these problems. But the problem goes on right now. It does not matter whether this bill is in place or whether we are operating on the extension of the old one.

There are some definite improvements in this Export Administration Act that absolutely need to be in place to provide for our national security. I hope that, first of all, we do not have to continue to operate under that old Export Act, regardless of who is in place, and, secondly, that that old Export Act does not expire on August 20 without a backup bill that does something extensive such as this bill does.

I congratulate the chairman of the Banking Committee, Senator GRAMM. He has probably been more involved at a member level on this bill than perhaps any bill Banking has done. He has involved all of us in that process; at least whenever Senator JOHNSON and I have asked him to be at a meeting, he has been at the meeting. He has been willing to participate, learn the bill in tremendous detail, and work on it that way.

The same is true with Senator SARBANES. There has never been a time Senator JOHNSON or I have invited him that he did not show up to help out in the process. He has been involved with this particular bill for about 20 years and understands it to a higher level than most of the people we have run into who have been involved. His comments have been extremely valuable, and a couple of times he has even reined in my enthusiasm a little bit, making very good points that needed to be incorporated. He has been one of the Senators who contributed very much by listening to the other side in the debates to make sure we got these processes included.

I have already mentioned Senator JOHNSON and his help on the subcommittee. I don't know how many panels we served on, answering questions about how this works and how it could work better. That has always been our approach to the bill: How can we make it better? How can we improve it so that it works?

This legislation is unfinished business left from the 106th Congress. The activity Senator JOHNSON and I engaged in didn't happen this year. As soon as we got chairmanships, we started working on the bill. That was our prime emphasis for the 2 years of the last session. It took all of that time. It took all of that time to go through the process of understanding exactly how the bill works, reviewing previous failures, visiting the Department of Commerce. Of course, the Cox report we have referred to several times came out during this process.

One of the actions I took was to go over to the Intelligence Committee and read the Cox report when it was still a secret document. I am always amazed that just by being elected a Senator, one gets a top security clearance. I understand why that is and I am glad that it happens. I understand we have had a pretty good review of our background by the time we get elected, whether we want it or not. I went over and received a briefing and read the document. I wanted to be sure the ideas we were generating for solving the problem followed the direction of the people who were really concentrated on the Export Administration Act and the security of the country, particularly as it related to China.

I was convinced and am convinced that we did what can be done legislatively. There are a lot of other processes that need to go on, particularly in the executive branch, to deal with this, but that is not legislation. We deal with the legislative part.

We also lived with people from the Departments of Defense, Commerce, and State for a long time. I have to thank Dr. Hamre and Secretary Reinsch for their dedicated devotion to coming up with a solution. Both of them had worked intensively on this issue from their own positions in Defense and Commerce. Without their interaction and daily meetings and telephone calls, we would not have been able to get to the reasonable position that we have.

I was able to get some people on my staff for a very short time who had dealt with license applications. We wanted to know what the person putting in the license had to go through. Then following that, because of the concern over enforcement and particularly the postshipment verification, I brought somebody into my office who was an enforcement officer, somebody who had actually done some of these things on site, somebody who knew how to calculate old penalties under IEEPA versus the penalties under EAA as we propose it. It was fascinating, absolutely crucial to what we are doing.

Of course, this was reviewed and endorsed by the Clinton administration. Now the Bush administration has taken a look at it, and it has been endorsed by them. We have many people from both sides of the aisle who have been looking at this, working on it, and hoping that at some point, after extensive debate and amendment, it would come to a vote.

What we are debating today is whether or not we ought to proceed. We could save a lot of time if we proceeded to offering amendments. All of those

amendments won't be debated on the floor. If there are some that deal with a top secret security, those will be dealt with as we do with that kind of an amendment. If some of the discussion or parts of the discussion cannot be in the Chamber, it will be held in one of the rooms designed for that kind of discussion. We have done that before. In fact, two of the hearings we held were done under those circumstances so that the people in the intelligence community who needed to communicate some of the problems they saw could get those problems directly to us.

We invited every Member of the Senate, but we haven't had every Member of the Senate listen to it. Those of us who have attended, who have worked on this bill, think we have incorporated the solutions that were brought out in the hearings into this bill.

What happened on it last time? We ran out of time. It is pretty easy to run out of time on a bill, I am finding. This one is in trouble of running out of time. I am hoping, because we were able to bring up this version at this point in time, that that will not be the case.

We need this bill. I emphasize, the reauthorization provides authority to control exports for commercial or dual-use items. I need to mention that because we are not talking about munitions here. That is a separate process. That needs to be reviewed, too. In fact, one of the suggestions we had was that the fines in this bill should not get out ahead of the fines in the munitions bill. This is way out ahead of the fines in the munitions bill. It was our suggestion that maybe if we cut the fines back a little bit, that the munitions bill could be brought up to this so that there were sufficient fines in that bill.

At any rate, we don't want the two confused. I don't want to talk about that very much because that has been one of the difficulties with this. It gets confused with munitions and satellites. These are the dual-use items. These are items that, yes, there could possibly be a military application for them. If there is a military application that would be detrimental to the security of this country, we have put in the provision that the President of the United States can set aside any other permission, any other possibility of licensing, and protect that item. We have included that national security aspect.

It does establish the modern effective framework recognizing items available in foreign or mass markets that are not effectively controlled. It puts stronger controls over a few items, which should equal more effective controls. We are talking about building a higher fence around fewer items. I will talk about that, too.

I did have the fortunate opportunity to cochair and work with Congressman COX on the study group to enhance multilateral export controls for U.S. national security. Together we released the study group's final report on Tuesday, April 24. That was this week. There is a need beyond the export and included in the Export Administration Act to enhance multilateral controls. What we do as a country by ourselves, if it is being done everywhere else, isn't going to cut it. We need to have everybody who has that item working with us to make sure it doesn't get in the wrong hands.

That is what the report we released on Tuesday dealt with. Mr. COX referenced the fact that we need a commonsense export control policy. He said that we should not make the mistake of confusing a more burdensome system with the more effective system. He went on to mention that the current export control system has ''an instinct for the capillary rather than the jugular.'' In other words, the current system often has the tendency to put the same focus and expend the same amount of energy on the more trivial items, as opposed to concentrating on the truly dangerous items. That is what we are trying to do. That is what we talk about in building higher fences around fewer things, but being able to control them. If we try to control absolutely everything and expend an equal amount of effort on each item that the United States produces, we don't stand a chance of keeping up. So this bill focuses and gets some concentration and handles the problem.

I do happen to agree with Mr. COX that S. 149 is structured in a way that will focus on the jugular, not the capillary. As everybody is aware, Mr. COX chaired the Select Committee on U.S. National Security and Military Commercial Concerns with the People's Republic of China. I mentioned that before. It investigated several export-control-related problems concerning China and offered recommendations to improve our export control systems. He noted during his testimony before the Banking Committee last year that:

> We ought not to have export controls to pretend to make ourselves safe as a country. We ought to have export controls that work.

That is what S. 149 aims to do. It will make export controls work. It will make export controls effective.

The bill would establish a strong, but flexible, export control framework that can adapt to our national security needs in today's globalized and uncertain world. Recent events tell us that as situations change, the administration should be provided with the flexibility it needs to adapt to that change. S. 149 does not lock the U.S. into a policy position toward any particular country or any particular item. It sets the framework that the administration would carry out. The Congress would then have the appropriate oversight responsibilities.

The bill provides the President with authority to control items beyond current law. Section 201(d) of the bill—and I have mentioned this before—grants the President special control authorities for cases involving national security and international terrorism, as well as international commitments made by the United States. Section 201(c) allows controls to be imposed based on the end use or end user of an item if it could contribute to the proliferation of weapons of mass destruction.

I remind my colleagues that these two provisions could be used regardless of foreign availability or mass market status of the item.

Other national security items are also included in the bill. For example, it requires that whenever items are to be taken off the list, the Secretary of Defense concur with the decision. In addition, country tiering would be made by the President. He would be the one to determine where a country is assigned to a tier for each controlled item or group of items. The President is to take into consideration several risk factors, including the present and potential relationship of the country to the U.S. and the country's weapons of mass destruction capabilities and compliance with multilateral export control regimes. In other words, if they are cooperating with us and our allies, they will be rated better. If they are a rogue state, they will be rated terrible, and that can vary as we find out things about a country. There is no country referred to by name in this bill, and that is so that the President and the Congress have the total flexibility in dealing with any country as they become friends or as they become enemies.

Additionally, it will establish tough new criminal and civil penalties for export control violations much greater than are in the current law. Those penalties were outdated and needed to be enhanced, and they have been enhanced dramatically. These penalties will deter potential violators, rather than be computed as part of doing business.

The bill establishes a program to increase compliance with the freight-forwarding firms—the people shipping the items. This will in turn allow enforcement to detect and interdict possible illegal shipments. That is an improvement over the old system. It increases the overseas presence of enforcement agents who conduct prelicense and postshipment checks.

A very important part of the bill is its emphasis on multilateral export controls—the report that we put out this last Tuesday. Many dramatic changes have occurred over the past decade that present additional challenges to the effective control of sensitive technology. The U.S. now is rarely the only producer of militarily useful high-tech product. The effects of globalization, such as increased flows of trade, foreign investment, and international communications have contributed to the more widespread production and availability of high-tech products. The threats are now different and more diffuse. Therefore, the bill urges the administration to strengthen the existing multilateral export control regimes. Multilateral export controls are

the most effective controls. The U.S. has to exercise its leadership in this area now more than ever, and the bill provides a mechanism for encouraging and, in fact, forcing that.

Our position of world leadership in stemming the transfer of weapons of mass destruction is compromised by our failure to enact a more permanent national vehicle to authorize our export control program. Passage of S. 149 will reaffirm U.S. leadership in the area of export controls. U.S. leadership in this area has been lacking in large part because of Congress' failure to reform and reauthorize EAA. If we don't have good controls in place, it is very difficult for us to talk to our allies and ask them to join us in these multilateral processes.

I look forward to the President signing this bill. It is essential that the EAA be reauthorized and reformed this year before August 20. Passage of S. 149 will advance both our national security and our economic objectives.

Is this the final answer? No. There is always going to be more work that is needed to be done on national security. Times change. We have had a drastic change in the times. The Iron Curtain came down. But this bill operates the same way. We always have to be working on it, but we have to have something in place now. We ought to be proceeding to the debate on this bill. We should be talking about those amendments that were referred to earlier and debating them now. We should be proceeding on the debate.

If we can proceed on the debate, we can reach a logical conclusion that will solve the security problems of the United States, or at least begin the process. I could answer some of the other things, and I should answer some of the other things that were mentioned. Computers is one of the items that was brought up, and it was mentioned that we are taking out a provision that has been present for a decade. Well, the way the computers operate now, as everybody in the country knows, has changed dramatically. They are not the same mechanism they once were. They are being linked in unusual ways to provide capabilities using older machines or less capable machines than some of the brand new machines.

Another discovery: I sat by a guy on the airplane and he was talking to me about supercomputers. I had to check out what he said. He said the U.S. was no longer producing any supercomputers; that Japan is the only country producing them. Do you know that he is right? We have some special linkages of computer chips that provide as much or more capability than the supercomputer that Japan makes. But if you are talking about a single computer, Japan makes the supercomputer; we don't. That takes out some of the mechanism for measurement that we used to have. We need to have a knew measurement. That is recognized by the Department of Defense and the Department of Commerce and the Department of State and the security agencies. So that is why we have made some provisions to do something with computers.

Foreign availability: A lot of what was talked about isn't current law. The change in foreign availability is that we have a Presidential set-aside. We give the President authority to set aside in national security instances. We change the word ''significant'' down to ''detrimental'' so it would be easier. But we are talking about the President of the United States.

Who determines whether the President of the United States sets it aside for a significant security reason or a detrimental security reason? Actually, the President of the United States determines that. So whatever he says is detrimental or significant would be detrimental or significant. It is very easy for him to justify any of his actions.

We also call for multilateral controls when foreign availability is put in place so it is not just the United States saying what cannot be done, it is all of the countries that produce that product saying it cannot be so. That is the only way to solve that problem.

I have to talk a little bit about the appeals process because there is some confusion on that. I suspect a lot of the reason we are not debating this right now, why we are not proceeding to this legislation is that there is some confusion.

I have a little trouble with the suggestion that we are moving ahead too fast. We did it last year. We met extensively last year. We brought it up this year. We talked to all of the parties—all of the parties—who were willing to sit down and talk again this year. We brought it to committee. We debated it in committee. We had amendments from the President's staff. Those were circulated, and the people who were opposing our motion to proceed had meetings with the President.

When we passed it out of committee, everybody had to suspect that at the first possible moment we could bring up this bill, particularly in light of the August 20 deadline, that we would bring it up for the security of this Nation. We wanted to bring it up as soon as possible.

This is one of those gaps in legislative time that came up. We were asked: Do you want to bring it up now, particularly in light of what has happened with China?

We said: We need to bring this up at any time we can, particularly in light of what has happened with China, both now and in the past.

We are not afraid of any amendments. There are ways that a bill can always be improved. That is why we have this legislative process in which 100 people participate. It is so everybody can have a say from their perspective. The group as a whole can determine whether that is something that needs to be a part of whatever legislation is being considered at that time.

I ask unanimous consent that, following my remarks, the summary of EAA discussions that me and my staff have had with different groups be printed in the RECORD.

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

(See Exhibit 1.)

Mr. ENZI. Mr. President, under the present appeals system, for someone to appeal a decision on licensing at the committee level, they have to talk to their boss and educate their boss enough about that particular license so their boss can file the appeal. There has to be a lot of tension, particularly in the military, of someone having to disturb somebody further up the line over a decision. Uniformly people agreed there was some difficulty with that.

We have provided for an appeal in the first round by the person sitting on that committee. He prepares the documents now. As it gets up to the decision level, then the decision has to be made by people who are in office.

Did China get our secrets? Yes, China got our secrets. Does this bill stop that? This bill stops it to the best ability I know, and it is certainly better than doing it under an Executive order, an emergency provision by the President.

This bill is needed. We should be debating it. We should be proceeding with whatever amendments are needed. The country desperately needs this bill.

Again, I thank Senator GRAMM, Senator SARBANES, and particularly my ranking member on the subcommittee, Senator JOHNSON, for all of the hours they have spent on this legislation. We are still willing to spend hours. We want to have a debate. We want to proceed.

I yield the floor.

EXHIBIT 1

SUMMARY OF EAA DISCUSSIONS, 1999–2000

Jan. 20, 1999, 10 a.m.—Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act.

Jan. 28, 1999, 3:30 p.m.—Enzi staff meets with Thompson staff to discuss issues regarding reauthorization of EAA.

Feb. 8, 1999, 10 a.m.—Enzi staff meet with Gary Milhollin, Wisconsin Nuclear Arms Control Project.

Feb. 8, 1999, 2 p.m.—Enzi staff meet with NSA staff.

Feb. 9, 1999, 10 a.m.—Enzi staff meet with Senate Intelligence Committee staff member (Joan).

Mar. 16, 1999, 9:30 a.m.—Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act and Managing Security Risks for High Tech Exports.

Mar. 18, 1999, 3 p.m.—Enzi staff meet with WMD Commission staff.

April 14, 1999, 10 a.m.—Subcommittee on International Trade and Finance—Hearing on the Export Control Process.

April 28, 1999, 1 p.m.—Enzi staff meet with Kyl staff.

June 7, 1999, 9 a.m.—Banking staff meet with Cox Commission investigator.

June 10, 1999, 10 a.m.—Banking Committee Hearing on Export Control Issues in the Cox Report.

June 17, 1999, 10 a.m.—Banking Committee Hearing on Emerging Technology Issues and

Reauthorization of the Export Administration Act.

June 22, 1999, 10:30 a.m.—Enzi meets with John Barker, State Department.

June 23, 1999, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Government Agency Views.

June 24, 1999, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Private Sector Views.

June 28, 1999, 4 p.m.—Enzi staff meet with Mack staff.

July 29, 1999, 9:30 a.m.—Enzi staff meet with Kyl staff.

June—July/Sept. 1999—Numerous meetings with Administration (BXA, State, Defense, intelligence), industry, Senators and staff to discuss draft EAA.

Sept. 16, 1999, 9 a.m.—Banking Committee staff meet with AIPAC staff.

Sept. 23, 1999, 10 a.m.—Banking Committee Votes 20–0 to Approve Export Administration Act of 1999.

Sept. 27, 1999, 11 a.m.—Banking Committee meets with DoD staff to discuss S. 1712 issues.

Oct. 6, 1999, 10 a.m.—Banking Committee meets with AIPAC staff.

Oct. 10, 1999, 10 a.m.—Enzi meets with Cochran. Cochran says he will not hold up consideration of the bill.

Oct. 20, 1999, 11:30 a.m.—Enzi meets with Kyl. Kyl says we did not listen to his staff at all when putting bill together.

Oct. 25, 1999, 4:15 p.m.—Warner meets with Gramm/Enzi. Warner staff (SASC Joan) says she has not seen the reported bill. Warner commits that his staff will review the bill and get back to us.

Oct. 28, 1999, 4 p.m.—Gramm/Enzi meet with Lott to discuss consideration of bill. Lott says window is narrow. Will consider if it will only take one or two days.

Nov. 1, 1999, 6 p.m.—Banking Committee staff meet with SFRC staff (Marshall Billingslea). He provides us with extensive list of concerns, mostly jurisdictional in nature.

Nov. 4, 1999, 3 p.m.—Banking Committee staff meet with SASC staff. SASC says they don't know how the bill will impact military since military now incorporates more off the shelf commercial items.

Nov. 5, 1999, 1:30 p.m.—Banking Committee staff meet with SASC staff, Hamre, NSA.

Dec. 14, 1999, 11 a.m.—Banking Committee staff meet with Thompson staff (Curt Silvers introduces Chris Ford, new staff).

Fri., Jan. 21, 12:30 a.m.—Banking Committee staff to meet with Marshall Billingslea.

Wed., Feb. 2, 10 a.m.—Banking staff meets with SASC staff.

Wed., Feb. 9—Senators Warner, Helms, Shelby, and Thompson send a letter to Senator Lott expressing concerns with S. 1712 and requesting referral to the Committees on Armed Services, Foreign Relations, Governmental Affairs, and Intelligence.

Wed., Feb. 9, 3 p.m.—Senators Gramm and Enzi meet with Senator Lott in the Leader's office.

Thu., Feb. 10, 5 p.m.—Senators Gramm and Enzi meet with business community in Senator Gramm's office.

Fri., Feb. 11, 10 a.m.—Lott staff holds meeting with Gramm, Enzi, Warner, Helms, Shelby, and Thompson staff in Appropriations Committee room [3 hours].

Tue., Feb. 15, 11 a.m.—Lott staff schedules staff meeting/canceled by Lott staff.

Wed., Feb. 16, 12 p.m.—Lott staff holds second meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson and Kyl staff in Leader's office [2.5 hours].

Thu., Feb. 17, 3 p.m.—Banking staff hold informational briefing re S. 1712 for all Senate staff in Banking hearing room.

Fri., Feb. 18, 1 p.m.—Lott staff hosts third meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader's office; Gramm/Enzi staff provide document outlining provisions that may be accepted. [45 min].

Tue., Feb. 22 9:30 a.m.—Senator Lott meets with Senators Gramm, Enzi, Warner, Kyl, Shelby, and Thompson in Leader's office; Senators Gramm and Enzi identify three key issues in contention; agree to provide Managers' Amdt.

Wed., Feb. 23—Gramm and Enzi staff provide Managers' Amendment CRA00.098 to other senators' staff.

Fri., Feb. 25—Gramm and Enzi staff provide pullout CRA00.120 regarding three issues to other senators' staff.

Fri., Feb. 25—Senator Thompson sends a letter to Senators Gramm and Enzi, cc'd to Senator Lott and the other senators, expressing ''grave concerns'' about S. 1712.

Mon., Feb. 28, 4 p.m.—Senator Warner holds SASC hearing on EAA; Senators Enzi and Johnson among witnesses.

Mon., Feb. 28, 6 p.m.—Warner staff host impromptu meeting with DOD and DOC officials and Enzi and Johnson staff in SASC hearing room; walk through differences [4 hours].

Tue., Feb. 29, 10 a.m.—Warner staff host meeting with DOD and DOC officials and Gramm, Enzi, Sarbanes, Johnson, Levin staff in SASC hearing room [2.5 hours].

Tue., Feb. 29—Senators Warner, Helms, Shelby, Kyl, Thompson, Roberts, Inhofe, and B. Smith send a letter to Senator Lott to express ''continuing concerns'' with S. 1712, stating that ''even with its proposed managers' amendment'' the bill fails to address concerns, and objecting to its consideration.

Tue., Feb. 29—Senators Abraham and Bennett send a letter to Senators Lott and Daschle urging that they make Senate consideration of S. 1712 a priority.

Wed., Mar. 1, 2 p.m.—Gramm, Enzi, Sarbanes, Johnson staff meet with business community in Banking hearing room.

Fri., Mar. 3, 2 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, and Thompson in Senator Gramm's office; walk through their concerns [3.5 hours].

Mon., Mar. 6, 11 a.m.—Senator Gramm meets with Senator Kyl in Senator Gramm's office to discuss concerns [1 hour].

Mon., Mar. 6, 1 p.m.—Senators Gramm, Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm's office to discuss concerns raised [1 hour].

Mon., Mar. 6, 3:30 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson in Senator Gramm's office; finish walking through their concerns [2 hours].

Tue., Mar. 7, 8 a.m.—Senators Gramm and Enzi meet with business community in Banking hearing room to discuss ongoing member negotiations.

Tue., Mar. 7, 4:30 p.m.—Gram and Enzi staff meet with Warner, Helms, Kyl, Thompson, and Shelby staff; walk through 4-page Managers' Amendment document [1.5 hours].

Tue., Mar. 7, 5:45 p.m.—Senator Lott brings up EAA by unanimous consent (Senator Thompson raises concerns on floor but does not object).

Wed., Mar. 8, 11 a.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson at those senators' request. Members agree to suspend floor consideration of EAA until details agreed; Gramm/Enzi provide revised 4-page Managers' Amendment document and ask for comments by the end of the day [1 hour].

Wed., Mar. 8, 12:30 p.m.—Senator Gramm takes EAA off floor via special UC agreement among Senators Lott, Daschle, Thompson, Reid, and others.

Wed., Mar. 8, 4 p.m.—Gramm and Enzi staff provide other senators' staff with revised Managers' Amendment CRA00.262.

Thu., Mar. 9, 3 p.m.—Senator Warner gives Senators Gramm and Enzi misdated letter with attachment of proposed amendments to Managers' Amdt.

Thu., Mar. 9—Senators Warner, Helms, Shelby, Kyl, and Thompson send another letter to Senator Lott expressing ''continuing concerns'' with S. 1712 and objecting to moving to its consideration.

Fri., Mar. 10, 12 p.m.—Senator Gramm meets with Senator Warner (other senators represented by staff); gives him Gramm/Enzi final response document; asks for final decision from senators.

Week of Mar. 13–17—Gramm/Enzi staff wait for response re 3/10 document.

Thu., Mar. 16—Senator Gramm schedules members' meeting for 10 a.m. Fri. 17th to get response to 3/10 document; postpones to following week after being told that Kyl/Helms/Shelby not in town and Warner and his staff both ''unable to attend.''

Mon., Mar. 20—Senator Gramm schedules members' meeting for 2 p.m. Tues. 21st to get response to 3/10 document; postpones to later same week after being told that Shelby not back til Tues. night and that the senators first need to meet to confer.

Week of Mar. 20–23—Gramm/Enzi staff continue to wait for response re 3/10 document.

Tue., Mar. 21—Senator Warner announces sudden SASC hearing for Thurs. 23d; cites ''considerable differences'' remaining between Banking and other senators.

Wed., Mar. 22, 1 p.m.—House International Relations Subcommittee on Economic Policy reluctantly removes Senators Gramm and Enzi from their witness list, and instead holds hearing solely with industry witnesses; hints at marking up narrow EAA bills.

Wed., Mar. 22—[Other senators apparently hold meeting to confer].

Thu., Mar. 23, 10 a.m.—Senator Warner holds second SASC hearing, at which he presses GAO witness to say S. 1712 ''must'' be strengthened, and states that ''the four chairmen have not received some legislative language which we feel is essential to making our decisions on this.''

Thu., Mar. 23—Senator Reid gives floor statement urging Senate passage of S. 1712, noting that its sponsors ''tried to move a bill . . . but frankly, the majority is unable to join with us to allow us to move this bill forward.''

Fri., Mar. 24—Two weeks from the date on which they gave the other seniors their final offer, Senators GRAMM and ENZI receive a letter dated March 23 from Senators WARNER, HELMS, SHELBY, KYL, and THOMPSON. The letter stated:

''As you know, on March 6 [sic], 2000, we provided you with a package describing the issues that we consider critical to reaching an agreement on the proposed reauthorization of S. 1712 [sic], the Export Administration Act. We were disappointed that you were only able to agree to at most four of the eighteen issues we identified, and were unable to agree to some issues on which we believed we had previously reached agreement in principle. Accordingly, we cannot agree at this time to return the bill to the Senate floor under the terms of the unanimous consent agreement filed on March 8.

''There are important issues remaining to be resolved, and we feel that negotiations should continue in order to for there being hope for achieving an Export Administration Act that successfully balances the needs of industry and national security.''

Week of Mar. 27–31—Gramm/Enzi staff do not hear from other senators' staff.

Week of Apr. 3—Gramm/Enzi staff do not hear from other senators' staff.

Tues., Apr. 4—Senator MCCAIN holds hearing on S. 1712, at which he expresses concern that the bill does not adequately protect national security. Senators THOMPSON and ENZI testify.

Tues., April 11—Gramm staff call the staff of other senators to alert them that Senator LOTT planned to make a pro forma effort to bring up S. 1712 by UC on Wed., at which point Senator GRAMM would object pursuant to the gentleman's agreement made with the other senators on Mar. 8; and that Senators LOTT and GRAMM then would file a cloture on a motion to proceed to S. 1712.

Wed., Apr. 12—At Senator LOTT's request, Senators GRAMM and ENZI give Senator LOTT two cloture petitions (one on a motion to proceed to S. 1712, and one on S. 1712); both were signed by 16 Republicans representing a broad diversity of states and of Senate Committees (including SASC, SFRC, SGAC, and SCST).

Wed., Apr. 12—Senator THOMPSON holds SGAC hearing on multilateral export controls.

Apr., May—Gramm/Enzi staff do not hear from other senators' staff.

Thurs., May 25—Senators THOMPSON and TORRICELLI hold a press conference on S. 2645. According to press reports, Senator THOMPSON said that in his opinion, legislation to reauthorize the Export Administration Act is probably dead as a stand-alone measure in 2000; when asked whether he was partly responsible, he replied, ''Let's just say that truth and justice were served''

Fri., May 26—Senator THOMPSON holds SGAC hearing on mass market/foreign availability; no Administration witnesses are invited

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Mr. President, what is the time arrangement? Is Senator ENZI controlling time?

The PRESIDING OFFICER. There is no control of time.

Mr. HAGEL. Mr. President, I rise this afternoon to support the Export Administration Act of 2001. I support the effort to move this debate along for all the reasons my distinguished colleagues have mentioned.

I am an original cosponsor of this bill. I have participated in a number of the hearings over the last 2 years, so I have some sense of the thoughtfulness and the depth of the hearings, the testimony taken and the analysis given to this bill. I do want to make some brief comments, but as I lead into those comments, I want to make a couple of general observations.

First, Senator ENZI said a few minutes ago that the previous administration supported this bill and the current administration supports this bill. The current administration consists of Vice President CHENEY, who has some practical and working knowledge of national security as he served with great distinction in the House of Representatives, was the No. 2 Republican there for years, and he was our Secretary of Defense at a very critical time in the history of this country.

Secretary of State Powell supports this bill. Secretary of State Powell's entire life has been about national security as he served as National Security Adviser to President Reagan, as he served as Chairman of the Joint Chiefs of Staff under Presidents Reagan and Bush; two tours in Vietnam, decorated. I do not think there is a question about whether Secretary Powell or Vice President CHENEY would risk national security for the dynamics of any legislation, but yet they strongly support this bill.

Our current Secretary of Defense, Don Rumsfeld—we all recall that Secretary Rumsfeld is on his second tour of duty as Secretary of Defense. I ask the same question about Secretary Rumsfeld: Would he, in fact, be supporting a bill that would jeopardize the national security interests of this country? I do not think so, nor do I think President Clinton would have risked the national security interests of this country, nor do I believe President Bush would risk the national security interests of this country.

So this talk about national security not being well thought through and not being advanced and prioritized, that somehow we are selling out to big business and commercial interests, with all due respect, that is nonsense. That is complete fabrication.

Senator ENZI talked a bit about the current law, the current rules, restrictions, and regulations that we are dealing with today. Does it enhance our national security? Is it relevant to today's challenges? No, it is not. This update, this new bill makes our export control regime relevant to the challenges of a very complicated new world.

America is faced with a very challenging dilemma. We live in an unpredictable and dangerous world. Part of our dilemma is a result of the fact that America leads the world in products and technologies that can be used for the best possible technologies, ends, and purposes and also the worst technologies, ends, and purposes.

Again, there is no higher interest for America than our national security interest. We all agree America's national security interest is its most fundamental interest, so let's not cloud this debate about that.

While always putting our national security first, our responsibility and challenge is to develop a workable and relevant balance that allows America's economic and trade interests to be protected as well. That is the challenge. In fact, our economic and trade interests are very much integral and part of our national security interest. They are not separate. You do not deal with trade and economic interests in this vacuum and national security interest in this vacuum. It doesn't work that way.

The Export Administration Act of 2001 is a very important piece of legislation. It represents an effort to deal with this balance, to come to grips with the realities of this balance: How do we ensure we continue to sustain our economic growth and yet ensure, as best we can, that Saddam Hussein and other dangerous tyrants on the world stage do not gain access to our technologies that could aid in advancing their weapons programs, detrimental to our national security interests and the national interests of the world.

We will begin to build a missile defense system in the near future because of the real and growing threat posed by infant ballistic missile programs in other nations. The world's collective failure to prevent nuclear proliferation is a constant threat to civilization. We need an export control regime that recognizes the real threats to this Nation, to our allies, to all the world and, at the same time, recognizes the utter futility of trying to control everything.

This bill is based on the premise we need to build a higher fence around a smaller number of items, just as Senator ENZI said a few minutes ago. In the 1970s, you could track high-performance computers worldwide because there were fewer of them, less sophisticated, less powerful, easy to do in a bipolar world—the Soviet Union and the United States. Today, computers with nearly unlimited power, far more powerful than anything we saw in the 1970s or the 1980s, with far more capacity and capability, are available at Radio Shack. Are we going to shut down Radio Shack? Let's get real with a sense of economic sense in how we deal with this.

Many components manufactured and sold in the United States are reproduced by foreign competitors with little lapse of time or effort. The world is simply too integrated. Some may not like that, but it is a fact of life. Capabilities abroad advanced so far to put the old system in jeopardy are not working, and we are dealing now with an old system that, in fact, is not effective. It is no longer relevant to today's global economy and national security interests and world threats.

Our exports must recognize the realities of today's worldwide interconnections. The President of the United States, Secretaries of Commerce and Defense, our entire intelligence community, and our business community can all work within this legislative structure to provide a flexible export regime and continue to protect our national security interests. This bill establishes a system which meets both our security and commercial concerns.

Only a control regime that raises the fence on the most critical dual-use technologies makes any sense. Our dilemma on exporting technology can only be solved by making control of critical technology a critical issue. Exporters and national security officials need clarity.

We should not treat exporters as unpatriotic or unconcerned about proliferation or our national security interests. I have heard in the Senate over the last year not so veiled charges to that point. I have heard in the Senate things such as the almighty dollar is most important for many of the corporations of America. My goodness, what are we saying?

I come from the business world. I am a businessman personally offended by that kind of statement. I don't know one businessman—there may be a businessman out there—I do not know one responsible corporate citizen in this country who would say to me privately or publicly that the interests of his or her company are more important than the national security interests of this country. It isn't true. Be careful about throwing around loose language, saying many of America's companies and corporations are more concerned about their bottom line than the national security interests of this country. That is not correct.

This legislation provides a structure that will allow our exporters to be partners in the overall objective of helping to prevent weapons development by the world's most dangerous and irresponsible dictators. We need to work more closely with our allies to continue to enhance multilateral controls and reporting on the movement of sophisticated technologies.

America continues to provide the leadership and the negotiating process, as we have from the beginning, for more effective, multilateral controls. This bill ensures continued U.S. participation in multilateral export control regimes that support U.S. national security objectives. The United States will continue to exercise its leadership in export controls worldwide under this bill.

In conclusion, I acknowledge Chairman GRAMM and Senators ENZI, SARBANES, and JOHNSON. These four have worked tirelessly, effectively, over the last 2 years to bring together a responsible, relevant piece of legislation of which we can be proud, and I am proud of being part of it. They have developed a commonsense and strong proposal for improving the current system. I look forward to continuing to work with them to get this legislation enacted so we can update America's approach to export controls for this hopeful new world where all 6 billion people reside together. That is doable. Let's get on with the work at hand.

I yield the floor.

Mr. JOHNSON. I ask unanimous consent to have printed in the RECORD a document I received from the White House and their Office of Management and Budget, a statement of administration policy expressing support for S. 149 and also clarifying that there is minimal pay-go consequence to this legislation.

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

STATEMENT OF ADMINISTRATION POLICY

The Administration supports S. 149, as reported by the Senate Banking Committee. The bill provides authority for controlling exports of dual-use goods and technologies. The Administration believes that S. 149 would allow the United States to successfully meet its national security and foreign policy objectives without impairing the ability of U.S. companies to compete effectively in the global marketplace. As reported, S. 149 includes a number of changes that the Administration sought to strengthen the President's national security and foreign policy authorities to control dual-use exports. The Administration will continue to work with Congress to ensure that our national security needs are incorporated into a rational export control system.

PAY-AS-YOU-GO SCORING

S. 149 would affect receipts and direct spending; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimates is that the PAYGO effect of this bill is minimal. Final scoring of this legislation may deviate from this estimate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first, I express regret the Senate is being asked to take up this legislation at this time. As pointed out earlier, the Export Administration Act, which this bill reauthorizes, with changes, has not been reauthorized for over a decade. It is not as if there is an emergency to do it this week. We have lived without a reauthorized bill for over 10 years.

What we have done is reauthorized it on a year-to-year basis from time to time—most recently, last year. I believe it is in October that reauthorization runs out, so we have to take some action before that time. I believe we should. I believe the Senate should act on this legislation before that time. I suspect there will be some amendments offered. I suspect there will be a healthy debate.

But at the end of the day, in one form or another, the bill will pass and the Export Administration Act will be reauthorized as significantly modified. President Bush, when campaigning, campaigned on that promise, and he has made good on that promise by supporting this legislation. I appreciate that effort on his behalf. But I think it would be wrong to suggest that it was the administration that requested the bill be considered at this time.

The administration was asked by a group of Senators who have expertise in national security matters to evaluate the bill that is before us. In less than a 2-week period that evaluation was complete, and it was done largely by people about whom Senator THOMPSON was talking this morning, who are not new additions to this administration. Meeting this morning with Secretary Rumsfeld, we found that there are only two confirmed positions in the Defense Department—Secretary Rumsfeld and the No. 2 person in the Defense Department, Secretary Wolfowitz: That is it. So it is not as if a new Bush team has evaluated this legislation, has had the time to give it the kind of critical look I had hoped it would be able to do.

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

Mr. KYL. I would like to continue making a point. The Senator has had quite a bit of time. I will note, however, I have heard the questions of my colleague. The question is the same: Essentially, as a good Republican, why wouldn't you support the Republican administration with all its expertise on this? I guess part of my answer is if the Senator from South Dakota is willing to abide by the expertise and recommendations of this administration on all matters from here on, I would almost be persuaded to sit down and to pocket his votes on the tax cuts, education bill, all the defense matters that come before us, and everything else.

The fact is, reasonable people can differ. The Senator from South Dakota can agree with the administration on some things and disagree with them on others, just as people on this side of the aisle can do. So it is no great argument to say if you belong to the party of the President, you have to walk in lockstep with the President or somehow there is a suggestion that your position is tainted.

But let me go on with my point.

Mr. JOHNSON. If I might respond?

Mr. KYL. I will be happy to yield for a moment.

Mr. JOHNSON. I will be very brief. I appreciate the Senator's thoughtful remarks. I do not want to delay his proceeding with those.

The question is not whether the Senator supports the White House on each and every issue. The question simply is, Does the Senator support the administration and Colin Powell and the defense establishment of this administration on this specific issue?

The point the President has made is that he wished this legislation would be brought up in a very timely, very expeditious manner. The question is not whether he supports the President—of either of our parties, all the time. Certainly we do not. The question is whether there was a disagreement with the defense establishment of this administration on this specific issue.

Mr. KYL. I appreciate the question being reasked by the Senator from South Dakota, and my answer is as I indicated and as I will continue to demonstrate in my remarks. I think it would be a mistake for us to take the position on either side that this is an all-or-nothing proposition. It is not.

I respect, for example, the work of Senator ENZI from Wyoming, a member of the Banking Committee, who has worked very hard on this issue, and in good faith, and his chairman, Senator GRAMM. There is no one in this body for whom I have greater respect than Senator GRAMM, the chairman of the committee. Because they are putting this legislation forward at this time, and some other Senators disagree on national security grounds as to whether it is exactly the right bill to be passing at this time, I would think it absolutely appalling that anyone would question in any way their commitment to national security because that would simply be wrong.

By the same token, it would be wrong for anyone to question the sincerity or the knowledge of those who

may oppose every jot and tittle of this legislation on the grounds that they are somehow either not in synchronization with the administration, not in favor of free trade, or somehow caught in cold war legislation, or something of that sort.

Anytime you get that kind of personal suggestion in a debate, it lowers the tone of the debate and is not productive to a rational and constructive solution to the problem.

What is the problem? We need to reauthorize the law in a way that properly melds both the trade and national security ramifications. There are those in this body with a great deal of expertise in national security matters who have come to the conclusion that the bill that came out of the Banking Committee would in some respects be inimical to national security and have asked for an opportunity, a greater opportunity, to try to work out some of the differences they have with the sponsors of the bill.

These are not people without expertise. We are talking about committee chairmen of every committee in this body that has jurisdiction over national security matters; specifically, Senator JOHN WARNER, chairman of the Armed Services Committee, who I believe is going to be here within the hour to speak to the issue; Senator SHELBY, who is chairman of the Intelligence Committee on which I sit; Senator THOMPSON, who chairs the Governmental Affairs Committee, the committee that had the jurisdiction to look into Chinese espionage and other matters; Senator MCCAIN, chairman of the Commerce Committee and also a member of the Armed Services Committee; and Senator HELMS, chairman of the Foreign Relations Committee. All of these Senators have extensive experience in matters relating to our national security.

I have not added up the combined years of wisdom represented by them, but it is not inconsiderable. They have all raised a red flag. None of them has said they are opposed to reauthorization of an Export Administration Act. All of them assume we are going to do this. But all would like to do so in a way that accommodates both interests. These Senators simply are not of the view that we have had the opportunity to do that yet.

I spoke to the issue of timing a moment ago. There is another reason I think it is unfortunate that the legislation is brought up right now. Not only is it not critical that it be done this week or even this month, I am fearful that having this kind of debate at this time could very well send the wrong signal to China. China is very much in the news today. It holds our reconnaissance aircraft. It improperly held American crewmen for 11 days. Its pilot wrongly and accidentally endangered the lives of our crew members, in the process of which he lost his own life. China has been making extraordinarily belligerent comments in recent months. It has continued to hold and has arrested people, some of whom are U.S. citizens or relatives of U.S. citizens, without much explanation, and it has acted very negatively to the U.S. response to these actions.

This is all in the context of a buildup of military might across from Taiwan, accompanied by threats that if Taiwan does not negotiate its return as a province to mainland China, there is a possibility that China would use force against Taiwan to achieve that reunification.

This is all quite troubling, and it is a circumstance that requires great care on the part of the United States. We want to live in peace with China. We expect we are going to be able to do that for decades and decades. We would like very much to have good trading relationships with China. But we also understand that there are some tensions in our relationship.

Part of the reason for these tensions is, I suspect, misunderstanding between the leaders of our two countries—misunderstandings, frankly, between the peoples of our two countries. It is frequently said we just do not understand the Chinese well enough and we do not deal with them very well as a result. I suspect the converse is true as well. So there is a great deal of talk about sending messages. I think it is important for us not to send the wrong messages.

I think in this regard the President was masterful in his handling of what was a serious crisis. A country was improperly holding U.S. citizens. The President, in a very understated but very firm way, was able to effect the return of our people and I hope not send any negative messages and in fact send some pretty positive messages, at least designed to elicit cooperation from China.

He was very sensitive, in other words, to the notion of what kind of messages were being sent. He sent another message when he decided to sell defensive arms to Taiwan—arms necessary for Taiwan's defense in the face of an attack by the PRC. That has grated on the PRC. And they reacted publicly to it. But he was very candid and clear about obligations of the United States in this regard. Again, he sent the right message: We mean you no harm. Obviously, we want to avoid conflict.

The best way to do that is to ensure that Taiwan can defend itself because, obviously, we wouldn't want the PRC to be tempted to engage in any kind of belligerent activity toward Taiwan.

Messages that are sent are very important. My fear is that by acting on this legislation at this time, whatever we end up doing, we are going to end up sending the wrong message. To the extent that this debate boils down to a question of whether or not those who are in favor of enhancing trade prevail over those who are involved in trying to preserve our national security—a very false dichotomy—but to the extent that is the way it is played—and it will be played that way by the media—we send a very bad message to our friends in China. It is a message that trade trumps national security. That is wrong. It would be an incorrect interpretation. But that is a message that I guarantee you will be in the headlines and in the papers to the extent that people pay attention to this debate.

I am trying to bend over backwards not to characterize it that way. The people who are sponsoring this bill are very interested in national security, and they believe they have crafted a bill that meets national security requirements, as does the administration.

There are others who very much believe in free trade and expanding our trade with China but who believe there are additional changes that need to be effected in this legislation and that it can best be done before the bill is brought to the floor for the amendment process.

It will be a wrong message, but it will be, nonetheless, a message that will be delivered, and I guarantee you that the longer this debate goes on the more of us are going to be called by the talk shows. They are going to call, for example, the Senator from Wyoming and myself. They are going to say: Will the two of you debate trade versus national security? Both of us are going to say that we really do not want to debate this issue in those terms because that is a false dichotomy. But that is the way it is going to be interpreted. It would be the wrong message at this crucial time in our sensitive relations with China. China represents only something like 1 percent of our trade and much less than that relates to dual technology.

In some sense, this whole question about what kind of export controls to put on dual technology items is much overblown. It is not nearly as important as a lot of people would have us believe. We are not talking about an amount of trade that is going to affect the U.S. economy, or even any specific segment of our economy. We are talking about a very small number of items.

I happen to agree with the authors of the bill that there are many items that can be decontrolled. That is the word we use. It is now possible because of the evolution in technology to take items that were at one time deemed to be sophisticated off the list because they are simply no longer state of the art, and they are no longer all that useful if applied to military weaponry.

That is one of the features of the bill that I think is good. I think we all agree with that. But I also think it would be a big mistake to assume that just because the cold war is over there is no longer any concern or shouldn't be any concern on our part and any justification on national security grounds for controlling the exports of technologies which have dual uses; that is to say, both civilian uses and military

uses. It would be just as wrong to characterize the proponents of this legislation as believing in that.

There is a middle ground. I think one of the problems with the legislation that has not been adequately addressed is the fact that a new regime has been introduced. The regime is that if these items are readily available, either domestically or on the foreign market, then they are no longer subject to the same kinds of stringent controls that they were before. That something has a dual application to both civilian use and military use, by definition virtually everything that we are concerned about will, therefore, have applicability because it will be available either in the United States or on the foreign market for civilian uses, and, therefore, for military uses as well.

That is the definition of dual-use technology, and that is the concern we have. The mere fact that something is available to be purchased in the United States or abroad for civilian purposes doesn't necessarily mean we should forget about any kind of restrictions with respect to its export, irrespective of whether its export might result in its use in military equipment that could be used against the United States. It doesn't mean that at all.

Yet because of provisions of this bill, it is going to be very difficult to regulate the export of items which one can argue are available either in the United States or abroad.

Why is that argument so important? When it comes to U.S. military equipment, we have always had superior technology, and while it is possible that a particular item might be available in another country—I am just speaking hypothetically. But let's say the French manufacture it, the Israelis manufacture it, and maybe the Germans manufacture it as well as the United States. It doesn't necessarily stand true that all of those items are equal and that purchasers of those items are indiscriminate with respect to from whom they buy it. If that were the case, it wouldn't much matter unless the U.S. products were a whole lot cheaper. These other countries are going to be able to export their products, in any event.

The truth is that in most cases, even when U.S. products are more expensive—in some cases much more expensive—they are the items that are sought because other countries understand that for various reasons the U.S. product is superior. Some of these products have intelligence components associated with them. They know that in certain cases other countries have certain capabilities with respect to that equipment that makes their use suspect. Not so with the United States. They know they can buy these products from the United States and have no worry about being compromised through their use. They cannot be so sure with respect to the very same item that they might buy from someone else.

Just because an item is available someplace else doesn't necessarily mean that it is comparable, or that the United States should allow our product to be exported even when we know that its use will be embedded in military equipment and it could be used against the United States in the future.

That is part of the problem. While the legislation itself grants to the President, and only the President, the ability to waive certain of these requirements, even the President is limited. He can only do it three times. He can only do it for 6 months at a time, and after 18 months even he can't control the item or require an export license for it.

There are some significant concerns that I think we have to be aware of before we just necessarily assume that because we are all for free trade—and most of us are for free trade—therefore, we ought to adopt this legislation.

The very fact that the President just this week announced the arms sales to Taiwan because of the threat that China poses to Taiwan should give us some pause. China is the same country which bought fiberoptic-cable technology items from American companies and then was found to have helped the Iraqis imbed those fiberoptic cables in Iraqi air defenses causing the United States enough concern that in February the President ordered U.S. jets—and British jets accompanied ours—to carry out airstrikes against those very same Iraqi air defense systems. It was because of the upgrade through the installation of the fiberoptic cable provided and installed by China.

Fiberoptic cable is a dual-use item, and it is of considerable strategic importance. Its export to China is permissible under Senate bill S. 149. Let there be no mistake, fiberoptic cable not only increases the amount of data that can be transmitted, virtually exponentially, but it is also extraordinarily difficult to intercept signals in fiberoptic cable as opposed to, for example, through microwave transmissions or through regular copper wire.

This is an item that is in clear use all over the United States. You can buy it on the market. But when it is applied to certain kinds of military uses, such as military equipment, it can become very dangerous to the United States. We have actually taken action against it for that very reason.

Why should we liberalize its export to countries? If Iraq could have gotten that equipment and China could have gotten that equipment from anywhere else in the world, why didn't they? They buy it from the United States because we have the best products. If we deny that for military use to countries in the world that we do not want to have it, then they are going to have to accept an inferior product, one which presumably, at least, hopefully, we would be able to deal with much better than our own particular product.

Let me try to also put in perspective what all the bill relates to. There are literally thousands of items on the list of dual-technology materials or services that could be, in effect, decontrolled through this legislation. I certainly do not have time to go through all of them. Let me give you some ideas of what some of these are. I have a very lengthy report which, given the time, I will be happy to go through in some detail because I think it is most illustrative in relation to those who believe there is not much of a problem. One of my colleagues said that you can buy it all from Radio Shack. The truth is, you cannot buy all this from Radio Shack. Yet it has enough availability to escape the requirements of an export license.

We talked about the Chinese company that helped Iraq outfit its air defenses with fiberoptic equipment. This results in high-speed switching and routing. That equipment is all provided by U.S. companies which, by the way, would like to sell some additional items, various communications technology, to the very same Chinese firm that provided this technology to Iraq. Is that what we want to be doing? I am not so sure. I think we want to think about this very carefully.

We ought to have the ability to deny an export license for this kind of dual-use technology to a company such as the Chinese company that bought it in this case. Yet under this bill these technologies would be determined to have foreign availability because of their marketing abroad, and they would meet the mass market criteria in the bill. Therefore, unless the President himself exercised the authority that I talked about, they would be eligible for export.

That is a very recent example. Let's go back to look at some other examples. There were news stories at the time of ball-bearing grinders purchased from the United States. Since then, there have been quite a few public reports, although much of it is classified. But the fact is, in the 1970s the Soviet Union purchased ball-bearing grinders from the United States ostensibly for its use in civil industry. It used them, in fact, to produce pin-sized bearings for use in the SS–18 guidance system.

The SS–18 is the most fearsome weapon on the Earth today—a nuclear-tipped intercontinental ballistic missile. These ball bearings are crucial to produce the guidance system capable of ensuring the very high degree of accuracy which this missile possesses. Those are the missiles that could incinerate every American living today. The guidance systems are perfected because of the ball bearings produced by equipment that the United States sent.

These precision machine tools and ball bearings are controlled by the Commerce Department under the authorities granted by the Export Administration Act. But under the legislation pending here, these items would be available to foreign sources. The bill prohibits export controls on them unless the President is able to set aside

the determination. And he can only do that for 6 months at a time.

Submarines have to be quiet in order to be effective. The advantage of United States submarines is that they are the quietest submarines in the world. The other side cannot detect them, and we can pretty much go where we want to at will.

The dual-use technology control list contains numerous technologies that can be used to make submarines quieter. This technology is, to some extent, available from foreign suppliers. Its export should be regulated to prevent nations such as China from freely purchasing it from American companies.

While foreign submarine manufacturers such as Russia and Sweden have made great strides in submarine technology, we think U.S. technology is superior, and it is unique to U.S. submarines, and, if nothing else, its export could compromise the vital capability of U.S. submarines.

There are those in Government who also like to talk about something a lot more mundane. I am choosing examples almost at random, but this caught my eye: a variety of devices that can be used to torture prisoners.

We are now talking human rights, folks. These devices that can be used to torture prisoners—some of which are as mundane as electric prods and shock batons and shackles, and so on—are controlled for export due to human rights considerations. You can get these on the open market. If you are a bad guy, and you go shopping for them, you can find them somewhere in the world.

Should the United States be selling them to countries that we know engage in human rights abuses? That is the kind of consideration that distinguishes America from many of the rest of the nations of the world. We just do not sell equipment and items to other countries that we know will be used to hurt people improperly, even though that equipment can be obtained from other places.

It is perhaps a small point, but I think it makes a big difference. Even if people can buy something from someplace else, it is not necessarily a good idea for the United States to be selling it, again, partially because of the signals that we send.

I may, if I have a little time later, also discuss in greater detail about technology that relates to the production of nuclear weapons, nuclear reactors, tritium plants, fissile material, liquid and solid propellant rocket engines, chemical and biological processing equipment, encryption software, flow-forming machines for a variety of production applications. All of these are items that are on the dual-use control list.

I am going to talk a bit about maraging steel and gas centrifuges in just a moment. But suffice it to say, on this list there is page after page after page of items that have dual uses; that is to say, perfectly permissible civilian uses and also very sophisticated and, in some cases, very dangerous military uses.

The question is, just because you can buy them for civilian purposes, should the United States be allowing the export of these items, without some control, to nations of the world that we believe would or could use them against us?

In some cases, we use the export control regime for the purpose of not prohibiting the export but providing some conditions on it or limiting it in some way. Part of the ability to calibrate what we allow to be exported is lost as a result of the specifics of this legislation.

I am sure my colleagues would agree with me—those who are supporting this legislation—that in some cases we may want to ultimately grant the export license but to have certain conditions on them.

One of the conditions we have had in the past, for example, has to do with who the end user is. There are some fairly well-known cases of situations in which we thought that the end user was a civilian entity, and it turned out not to be the case. I have in mind two cases. One of the cases is where McDonnell Douglas—a very prominent company; a company that was formerly in my State, as a matter of fact—thought it was selling machine tools for the manufacture of civilian aircraft, and it turned out it went to China for the production of military aircraft.

We also had some very sophisticated computers that we did not want to go to a military end user in China. It went, I think, to a research institute. But it ended up in the wrong hands. My recollection is, in that case, because of some limitations we had put on the export license, we were able to pull it back.

There are cases where if you have some ability to regulate the specifics of how the license is granted, you can actually prevent items from falling into the wrong hands.

I haven't talked about computers yet. We know that high-performance computers are one of the main areas of contention here because the evolution of the technology is so rapid now that something that was really leading edge a year or 18 months ago is relatively passe today, overtaken by much more high speed and capable computers. U.S. computer technology exceeds that of all foreign competitors, yet our manufacturers argue for more and more liberal ability to export, to the point that the Clinton administration, for all practical purposes, eliminated controls on high-performance computers without any compelling evidence that reasonably comparable foreign systems were seriously sought by foreign customers.

That brings up another question. There isn't any real definition in this bill of what we mean by ''availability.'' It is a very subjective term. One wonders why or how it is that we are going to judge something to be available. If the market that they really want to buy from is the U.S. market, then maybe the availability of a so-called comparable foreign product isn't as great as we might think it to be. That is an element that needs a further look.

There is a very interesting example that was pointed out by Gary Milhollin of the Wisconsin Project on Nuclear Arms Control. He noted that high-precision electronic switches needed to detonate nuclear weapons would be decontrolled under the act because of their civil application in medical instruments. I believe this device is used in the lithotripters, the equipment now that can actually blast apart gall stones so you don't have to painfully extract them from an individual. They are blasted apart and taken out like little bits of sand. The electronics of that are the very same electronics that are used in the nuclear detonation components of weapons.

Similarly, he points out that glass and carbon fibers are used in ballistic and cruise missile construction as well as in the enrichment of uranium for nuclear weapons and that they could be decontrolled because of their use in the manufacture of skis and tennis rackets and boats and golf clubs. We have heard recent reports in the news about the possibility that different countries—Iraq comes to mind—might be buying some of these items off the shelf in fairly huge quantities. Everyone asks: Why would they be buying so many of those? The speculation is, of course, that it just might be because they want to apply them to one of their military uses.

I mentioned maraging steel before. This is a very special kind of steel that is used in the manufacture of solid rocket motor cases, propellant tanks, and interstages for missiles as well as in the enrichment of uranium. It would be decontrolled because its application in commercial rocketry and also the fact that in many forums it is available in other countries. There are many other items.

I will summarize a couple: Corrosion resistant valves used in the enrichment of uranium for nuclear weapons; they are also used in the commercial paper, energy, and cryogenic industries. This is a list of pretty deadly serious military applications of items that nonetheless would be decontrolled under this legislation because of their applicability to civilian uses as well.

I talked in the beginning about a concern I had that this legislation is being debated at the wrong time. I hope I am not, by articulating this list of items—and again, we can talk about a lot more—leaving the impression that there is no role for the approach of this legislation to get rid of a lot of items on the list that have both civilian and military applications. The legislation moves in the right direction because there are a lot of items that

don't need to have this kind of regulation. There are some that do. The question is, have we discriminated properly in drawing the dividing line between those that do and those that do not?

There is another provision of this bill that has to do with another way we can judge whether or not something would be automatically exempt from the export control regime. It has to do with how much value an embedded component has. On the surface, you would say, what difference should that make? If you have a very highly classified component and it represents only, let's say, 10 percent of the cost of an item, simply because it is only 10 percent of the cost of the overall item, should that mean that the entire item is decontrolled and another country has the ability, then, to reverse engineer the entire component so that it can take out the part that is highly classified?

That is what this legislation allows. It says that if only a certain percentage of the value is in this very highly controlled component, you can go ahead and sell it. There is sort of a presumption that it can't be all that big a deal if it is only a small percentage of value—10 or 25 percent. A case that I don't think is included in this legislation, because of action that the Congress took last year to take it out of the Commerce Department and put it back with the State Department, but which obviously we had to act on or it would have been, is the case of rocket motors. I shouldn't say rocket motors, rather, the so-called kick motors that are in many cases embedded in satellites. These are very highly classified items. We take a satellite that we want to launch, and when it is kicked into its final orbit by this little motor, it can actually perform the way we want it to perform.

In the case of China, for example, the Chinese have made it a condition for some companies doing business in China that those companies allow China to launch a certain percentage of the satellites that they want to launch. So those companies, in order to do business in China, have to agree to that, and they have. These satellites are supposed to be under the control of Americans at all times because they are very sophisticated. We don't want them to fall into the wrong hands and to be reverse engineered. We don't want our technology to be stolen from them. That certainly applies to an item such as the kick motor embedded in the satellite.

We recall that a couple years ago there was a great deal of evidence of the fact that certain American companies had allowed satellite launches in China without adequate security, the result of which was that we believe there was some compromise of American technology by the Chinese. It is not only the kick motors. There are other components, too. Had Congress not acted last year to retrieve those satellite items from the Commerce Department and put them back on what was called the munitions list, where the State Department would have the authority to require license, we wouldn't have had the same degree of control over them that we do today. This is the kind of thing that can happen.

Again, the timing is wrong here because we are forced to talk about situations involving China over and over and over again. I don't particularly care to do that. This is a time when it would be nice if we could kind of lower the rhetoric and try to develop a relationship with China which very clearly states our goals and tries to deal with China in a way that doesn't result in more belligerency on their part.

By the authors of the legislation being insistent on bringing it up now, some of us have no choice but to use examples that are, unfortunately, very real examples of where we believe that sensitive technology has been either sold to or acquired by China in ways that this legislation would not prevent. I wish we didn't need to talk about that at this time, but since they are very real examples, we will talk about them. Again, I hope the message isn't misunderstood. This is not about either having trade or national security. The authors of this legislation agree with me and I with them that we can do both. We have to do both. We will do both. But this will be portrayed as trade trumping national security. That would be a mistake.

With the indulgence of my colleagues, I will continue now to discuss some of this other technology that I mentioned would be impacted by this legislation. I talked before about maraging steel. Here are some of the countries where this product is of particular interest. This, again, is the high-alloy steel that has very high yield strength. Pakistan has used it for uranium enrichment centrifuges; India for its polar satellite launch vehicle; Russia and Iran, special alloys for missiles.

I talked before about the bearings and gas centrifuge. There are military applications for high uranium production, and there is some evidence that China has sold this technology to Pakistan for the production of nuclear weapons in Pakistan. The centrifugal isotope separation plant, equipment and components, the military applications: Russia's uranium isotope separation plant has played a significant role in warhead production. The plant is primarily a centrifuge enrichment facility, and it has produced about 40 percent of the Soviet Union's enrichment uranium. I talked about explosive detonators earlier.

Aluminum alloys is another very interesting case. This is obviously very useful in rocket technology and missile technology for casings. China has developed a welded aluminum alloy used in the design of the torpedo hull. It manufactures aluminum alloy casings. India is manufacturing heavy-duty aluminum alloy extruded composition and has conducted studies on this that are very significant relating to its satellite launch vehicle.

All of these are items that would be impacted by this legislation. The ceramic composite materials are a new and increasingly important kind of material because they don't conduct electricity. Therefore, they have some very unique military applications. They have been used in ballistic missiles and reentry vehicle antenna windows, for example. They are produced, by the way, by companies in France, Germany, India, Japan, Russia, as well as the United States.

Laminates: Again, missile parts are often made from these other kinds of materials. Composite structures and laminates are materials used in rocket systems, including ballistic missiles and space vehicles, and they are produced in a whole variety of countries, including the United States.

There are military applications to something called crucibles. These are used to melt and reduce and cast uranium and plutonium for nuclear explosive devices. I realize when I read these, people may say: Wait a minute; we are not talking about just putting these things on the open market. What I am saying, folks, is they would be items that are no longer controlled under the dual technology control regime under the old Export Administration Act, which everybody would like to see reauthorized, with some changes. Because of the liberalization under this act, these items, in effect, become decontrolled.

In the early 1990s, for example, the U.S. was licensed to sell a significant volume of this equipment for making crucibles for high-performance furnace systems. It found its way to Iraq and to Iraq's nuclear missile and chemical weapons program, and for its nuclear weapons design and research center. This particular item at that time, because of a law that existed, was stopped by Presidential order. That would not be possible today if this legislation were to pass.

Guidance sets for missiles—you might think this is pretty technical stuff that we should not be selling on the open market. But there are items here that have dual uses. So ballistic missile guidance sets are often built to fit into a particular missile to be used in a hostile environment, and it would perform with a high degree of accuracy. It could have both civilian and military uses. They are produced in a whole variety of countries, in addition to the U.S.

There are services as well as products—and I will not go into all of these. We are not just talking about the military applications of specific pieces of equipment. We are also talking about certain kinds of services showing people how to do certain kinds of things.

We talked about propulsion systems and components. Here are some of the military applications of that. On one occasion, they were disguised as automotive spare parts on the airwaves of a

certain country and were destined for Libya. This was very recently, by the way. Some of the paperwork indicated that the seized shipments had already reached Libya, I might add.

The China Aerospace Science and Technology Corporation, which was sanctioned by the U.S. in August of 1993 for missile proliferation activities, designed and researched propulsion systems, among other things. Russia aided Iran with the design of guidance and propulsion systems, some of which found their way into the Shahab 3 and Shahab 4 ballistic missiles for Iran. There are a variety of examples that I can give you.

Reentry vehicles—we are familiar with those—for both commercial and military applications. These, too, would be subject to the provisions of this legislation.

And I hate to talk about China again, and I wish we didn't have this debate right now. Chinese engineers were arrested for trying to steal some blueprints from a plant in the Ukraine. Yet these very items would be subject to sale because they are produced by a variety of countries and have dual applications.

Without getting into a lot of detail, I will indicate the nature of some of these other activities or products. Propellant additives, propellant control systems, propellant production equipment, radar software—you can easily understand why that could be a dual item—radiation-hardened computers. The applications here for military use are obvious.

Ramjet engines: The military applications there, I think, are fairly obvious; rocket motor mounts and sounding rockets as well. These all have to do with space, and also aircraft, such as airborne radar, navigational systems, depleted uranium, fly-by-wire flight control. Obviously, that is the way our commercial aircraft is now designed. It is also a very important military design. We have various kinds of noise reduction and acoustic mounts and valves and other kinds of things that are used in quieting for the Navy, primarily.

Precision tracking systems: We are all familiar with how we are able both in civilian and military applications to precisely track using the global system. Yet many of those items would also be covered by this legislation and no longer require license: side-looking airborne radar, sonar signal processing equipment, underwater breathing apparatus, wind tunnel applications.

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

Mr. KYL. Yes.

Mr. ENZI. Mr. President, is the Senator aware that we are not doing away with the control list and any item on the list continues to stay on the list unless it goes through the process? Is the Senator aware that we have added country tiering so that rogue states are taken care of that way?

Mr. KYL. Yes. Is China defined as a rogue state in the legislation?

Mr. ENZI. It could be.

Mr. KYL. But it is not.

Mr. ENZI. It doesn't say any particular state.

Mr. KYL. I answer the Senator that I am aware that the items are not automatically decontrolled. But by virtue of what I talked about before—and I think the Senator was here—because of availability for commercial purposes, the items will also be available under the dual technology regime that is contemplated by the legislation.

Mr. SARBANES. If the Senator will yield, the legislation specifically gives the President the authority to continue to control any item. I don't think the items the Senator is listing would be mass market items under this legislation. But even if one or a few were to be sold classified, the President has the authority under this legislation to deny that category and to continue to control the item.

Mr. KYL. First of all——

Mr. SARBANES. I don't understand.

Mr. KYL. Does my colleague want an answer to his question?

Mr. SARBANES. There are examples that happened under the previous regime. This bill will actually improve the regime.

Mr. KYL. The Senator has mischaracterized what I said. I pointed out a couple of instances in which these items got into the wrong hands in the past. But under the previous law, we had the ability to pull them back. I did cite some examples. We would not have that authority under the legislation as the Senator has written it. Moreover, I am perfectly aware that many of these items would not necessarily be mass marketed. Yet every one of them would be subject to the definition of availability, foreign availability, or U.S. availability.

That is precisely why I picked these items because under any reasonable definition, you would have to say, yes, those are available someplace. Now, if the Senator is telling me some of those look serious and I don't think we would want to consider them available, then I say we have to be more careful about how we draft this legislation.

On that point I agree with the Senator, but as to the first point, the Senator raised the suggestion—I heard it made several times: The President has the authority to waive this. No, the President does not have the authority to waive this. The authority is very constricted. The President, and only the President—as if he did not have anything else to do—can three times for 6 months only, for a total of 18 months, waive the applicability of that section.

Mr. GRAMM. That is not right.

Mr. KYL. That is absolutely correct, and I would be happy to cite the provision of the legislation. To think it is going to work very well——

Mr. SARBANES. Would the Senator do that for us?

Mr. KYL. To think it would work very well to have a regime in place where the President is going to have to continually be waiving its requirements I think is going at it the wrong way.

Therefore, while it is important for any President to have a waiver component—we frequently have national security waivers of one kind or another—if you set up the presumption that it is going to be sold and require only the President to stop it, you are going to be putting a pretty big burden on him.

In the past, the presumption has been effectively the other way. Part of this is due to the fact that there is no really clear way of defining availability. I talked to that before the Senator arrived.

Mr. President, my colleague from Wyoming may wish to join in this. If so, that is perfectly fine with me. I stand corrected. The authorization for this current extension of the EAA runs through a date in August—August 31?

Mr. ENZI. August 20.

Mr. KYL. Not October. We will either have to pass a resolution extending the date beyond that, which I presume would be relatively easy to do, or act on the reauthorization of the EAA in some form prior to that time.

Frankly, that is fine with me. As I have said now several times, the effort of the Banking Committee to rewrite this legislation in light of changed circumstances in the last decade is a laudable effort, and there are a lot of changes that need to be made in the legislation. There is no argument about that. That, frankly, is what President Bush campaigned on and what he said he was for. That is perfectly appropriate.

We are talking about details. It is evident that reasonable people—or at least I hope the chairmen of these committees would be deemed to be reasonable; certainly my friends in this administration are extraordinarily competent on these matters. I believe with a little bit of time reasonable people will be able to resolve whatever differences exist. I know some are not quite that sanguine about those prospects.

I also am aware of the fact that the administration has an idea which is a good one. That is, not everything in this regard ought to be put in the legislation itself, which can become relatively inflexible. As we have seen, it is a little bit harder to change than an administrative action. Therefore, the administration has in mind developing an Executive order that would implement this legislation and related legislation in such a way as to provide the President with a little more flexibility to handle particularly those situations that arise very quickly.

The shelf life of some of the equipment we are talking about is very short, and therefore sometimes there may be a need to act with alacrity. Under the provisions of the bill, it may be too slow, though they intend to speed it up.

There are also intelligence considerations which I cannot go into at this

point, but they, too, can be dealt with by means of an Executive order.

I applaud those members of the administration who raised this as a possible way of dealing with some of these issues. The fact is they have not had time to do this, and I fully appreciate that. Those of us who have concerns about the legislation would very much appreciate the opportunity to await the drafting of that order. As I said, I suspect that will remove many of the concerns some of us have just about the bill itself.

That said, I go back to the point I made in the beginning, which is, this is the wrong time to bring up this legislation.

I also, again with some trepidation, make the following point: Some of my colleagues have said: Look, bringing it up now actually helps you because you are able to talk about a situation that has rubbed the American public pretty raw these days, and that is a belligerent and overly hostile China. In fact, China has obtained a lot of its technology in the past, not all of it properly so, as pointed out before. So actually this is a good time to bring this up because you will be at your strongest in arguing we should not be passing this legislation right now when it could only make it easier for China to obtain this equipment.

At the same time, some of these folks say: Look, this legislation is actually tighter; it is more strict; it is more conservative than ever in the past. We are actually tightening the law; we are enhancing national security. Mr. President, you cannot have it both ways. It is my view the legislation is not tight enough, that it could result in technological acquisition by countries that would use that technology against the United States and that we do not want to do that; there are ways to prevent that.

Our argument is over some relatively narrow points. If we appreciate that, then we can also appreciate that it is possible to come together on those, come to closure on those without necessarily engaging in a great long public debate which I really do not think serves anybody's purpose at this point in time, especially given the circumstances that exist with respect to our current relationship with China.

My hope is the authors of the legislation on this Thursday afternoon will say, all right, let's talk about this for a little bit, get a date certain to bring up the legislation, and see what additional fixes are needed, if necessary, and get additional amendments that might be offered so we can persuade colleagues, if there are certain changes to make, we can do that and take it up at a time when perhaps nerves are not quite as raw.

Frankly, I fully expect the administration to engage at that point in time because they have a great deal of expertise and they are all people whom I know people on this side of the aisle respect a great deal. So we will be taking their views very much into consideration.

That is my hope. I hope our leadership will focus on elements of this President's agenda of which everybody on our side of the aisle is very much in favor, including this tax cut and education proposals.

By virtue of the fact I had to be on the floor, I missed discussion of the tax proposals that I very much hoped to attend because we are trying to put together the final package that will effectuate President Bush's campaign promise of tax relief for all Americans. I hope we can take that up next week. If not, we will take up education reforms next week and take the tax bill up the week after that.

If we are stuck debating the Export Administration Act, all of that gets delayed. That is not good for the American people. My hope is the authors of the legislation will be willing to work with us and defer this until we take care of these other items that are a little bit more important, in my view, and then come back to this with plenty of time to do it prior to the time the authorization expires. If need be, we can clearly do a temporary resolution extending the time of the EAA until we are able to act upon it later this year.

With that, I relinquish the floor at this time.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wyoming.

Mr. ENZI. Mr. President, I need to answer some of the items that have been raised. I appreciate the Senator correcting the date on which the present extension of the EAA runs out. I know that confusion came from me. I am involved in another bill with a sunset at a later date, and I mentioned the wrong date. August 20 is the drop-dead date on the Export Administration Act.

Can we extend it again? It was extended last time under a unanimous consent agreement in both Houses. That won't necessarily happen again. Unanimous consent is not the easiest thing to get. We were running out of time under appropriations last time and believed that was an appropriate action to take. However, it is not necessarily the same action that will be taken again.

We are running out of time to solve the export administration problem. Education will be coming to the floor. I am on the Health, Education, Labor, and Pensions Committee. We did the education bill. It actually went through committee faster than any other ESEA bill of which I am aware. Normally it takes a couple of weeks for debate. It went through the committee in 2 days. Normally the bills come out of that committee along party lines. It came out unanimously. There are still details on which to work.

I think we will have an Elementary and Secondary Education Act reauthorized shortly. I would not want to stand in its way. However, it is not ready or we would be debating that now. There are still details being worked out.

That leaves a window. It was mentioned that taxes need to be debated. I am one of the proponents of the tax cut and have been working steadily to get that and would not stand in the way of a tax cut. However, the tax cut isn't ready for floor debate. It will be.

Education will be ready. Taxes will be ready. And then something else extremely important to this country—appropriations will come out. We have to pass 13 appropriations bills. That is supposed to be over by October 1, but that usually takes us well into October, sometimes into November. That is past October 20, without an opportunity to do this extensive debate that is purported to be needed.

One of the things we have done is killed 4 hours—not really ''killed'' because everybody needed to make their statement and get their stance out on the Export Administration Act. I am glad we have done that. From this point forward, the time we are taking is time we could actually be debating these amendments.

I have had some Members on the other side say, we know what will happen to those amendments. That is how education works around here. If you don't have the majority of the vote, you lose on your amendment. There is a point to which people see amendments as being reasonable and helping national security, but there is a point where they see it as stopping all trade.

There is a balance. We still intend to be a country that has a good economy—not just a country that is militarily capable of being the best in the world. This bill has been a deliberate and timely attempt to reach that kind of situation.

What we need is the amendment suggestions through the debate process. I submitted the list earlier. It is in the RECORD. You can look at all the meetings we have had—probably not all of them, but the ones we recorded as having. Those produced the suggestions in this bill.

Now a perfect bill will prevent any law from being in place. There isn't such a thing as a perfect bill. When I was legislating on the State level, as well as here, I had a pretty good idea when I was holding hearings on a bill that there was somebody in the audience who knew a loophole to that bill and they were not about to share it until they had taken advantage of it. However, we hope to catch as many of those as possible when it is being considered. That is why we have 100 people, we have 100 different opinions—at least 100 different opinions from 100 different perspectives contributing to a bill.

When we debate whether we go ahead and debate, we are not making any progress toward a final solution.

On the China issue, there probably isn't a time that could be more sensitive. But the ones who are talking about greater security than what this

bill provides would have it to their advantage to talk about it because of the timing of the situation with China.

We don't have any problem debating it. We don't have any problem considering amendments to this bill, even in light of the China situation. The reason we don't is that we are sure we have addressed those issues. If we missed something, we need to know about it and take action.

Everybody keeps saying there are a very small number of items that need to be regulated. How do we go about doing that? Give me a suggestion if you have one other than the way we are doing it.

There was a comment that there is a new regime, that we are talking about things readily available in either foreign or mass markets; that these other countries have access to all of those things and we will give up all of our control. Not true. We have tried to address keeping control in every possible way. There still will be a control list. We didn't get rid of the control list. The wording in the bill says any item that is controlled now will continue to be controlled until the committee makes a decision otherwise. So if it is controlled now—and a bunch of the items mentioned were controlled and were against the law, but they were done anyway.

How did somebody get away with that? I imagine things will still be done illegally no matter what kind of bill we pass because we don't handle ethics and morals; we just handle the law.

One of the problems we have under the law is, for about a 6-year period we did not have sufficient findings to get anybody's attention of the fines and penalties and prevention, more so than beating somebody up after it happens—although that has to be there for the bad actors.

We have a number in this bill that will get people's attention. For those people who are talking about this bill not having enough security, the last version, the one we could have done at the end of last year, had penalties that were twice as big, but we were asked to reduce those to get them more reasonable, to make it closer to what the munitions list has. If anything ought to have fines and penalties to get the attention of people, it ought to be the munitions list. We would not agree to go to that low a level.

In fact, there is even jail time involved in this one. I think some of the those things are needed to keep people's attention. So we have tightened up the bill.

We talked a little bit about Iraq. We have to trust that the administration will rate Iraq as one of those countries that should get a very poor rating under the tier system—the worst. I suspect they will. I will not dictate which ones ought to be the bad guys and which ones ought to be the good guys. I have been contacted by a number of countries that wanted to be specifically mentioned in the bill as one of the good guys. I said: No, the administration makes that decision based on your relationship with the United States and your involvement in making and selling weapons of mass destruction. We have some criteria by which you are considered a good country. I have no doubt the administration will adequately do that rating on those countries.

That is something brand new, too. We did not have the tier system before. Now we have a tier system so countries that are adverse countries will not get items. We have a control list so that items we do not want people to get they cannot get. So some countries are going to be prohibited both for being on the control list and being a country to which we will not sell that kind of item. I do not know how you could make it tighter than that.

Then—and this was at the suggestion of the people who are asking we not be allowed to go ahead and debate this motion—that the President be able to have total control over absolutely any item that can be sold. This is a Presidential enhanced control. Yes, it says the President has to do it. We know the President will get a suggestion from somebody along with all the backup reasoning on why it ought to happen. Some of those decisions will be pretty pro forma. I do not think we are talking about a huge expenditure of time on the President's part. On those items that are really a national security issue, I hope the President is personally and timely involved.

But the President can control absolutely everything. How much documentation, how much review does he have to do? That is for a little transparency, so we know what is being controlled. But the President is the ultimate authority on all of it. We have given him that constitutional right. We have now put it in writing.

We also have some extra control authority, which are on page 183 of this little document that is on every single desk for the end use and end user controls. And then the most important paragraph, the enhanced controls. So if somebody has a suggestion on how to make it tighter than that and still be able to sell to our allies the things that we want our allies to have that would be beneficial to them and to us, tell me how to do that; present an amendment.

Of course, we cannot present an amendment until we get past this debate about how long we are going to debate about whether we get to debate.

I have been here before on this bill. I have to say it is a lot easier to defeat a bill than it is to pass a bill—I noticed that through my legislative career, as well as my senatorial career—because if you create a little confusion, confusion goes a long way.

We have heard a lot of confusion. I think we can address everything that has been mentioned to this point. We can show where it has been covered in the bill. But it is easier to defeat a bill. I have to say in the Senate it is even easier than that because we have this thing called filibuster and that is where you stop the motion to proceed and have people debate on whether to debate for a long period of time.

I understand the other side understands how many people there are who have been working on this bill, been involved in this bill, who will vote for this bill. If we file cloture, we will get cloture. It is just a long process and a way of delaying it. But it is a route that can be taken.

We had the signatures for that last year but ran out of time. I only mention this time again to get back to the original point, which is August 20 is when the bill runs out. If we have not solved it by that time, we may not be able to solve it. So I ask that we get past this motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, reluctantly I rise to differ with my good friend from Wyoming. I come from the perspective of chairing the Readiness Subcommittee of the Senate Armed Services Committee. I have looked carefully at some of the problems over the last 8 years in a couple of respects. First of all, we are dramatically and grossly underfunded in most of our accounts for our military relative to the threat that is out there. We have gone through a difficult time with China and hopefully it is coming to an end now. If we go back to 1995 when we started getting some of the very first comments made by the Chinese that have been very threatening to the United States, it was during the elections not long ago in Taiwan when the Chinese were demonstrating their missiles in the Taiwan Strait and the statement was made ''we are not concerned about the United States coming to the aid of Taipei because they would rather defend Los Angeles.'' That is at least an indirect threat.

Most recently there have been statements made from more than one high Chinese official saying war with America is inevitable. Over the last 8 years, we found that half of our nuclear secrets—we had a total of 16—were compromised during the Clinton administration, 8 of them were compromised prior to the Clinton administration. We found out in 1999 that way back in 1995 the other 8 nuclear compromises took place. There was an informant who came in, in 1995, and informed us these compromises had taken place. This was covered up, I am sorry to say, by the administration until the Cox report discovered it and released it in 1999, 4 years later.

We look at those things that have taken place, the transfer of technology to the Chinese, and we now see a massive military buildup by the Chinese. This is the same country that is saying war with America is inevitable. We know they made some purchases of SU27s and SU30s. They will have aircraft that is better and more modern

air-to-air aircraft than anything we have in our arsenal, including the F–15. We are looking at a percentage of their budget that is going now to buildups. We also know they have virtually all—at least those 16—of our nuclear secrets.

We have been facing also, during the Clinton administration, the signing of waivers. In order to make it easier to transfer technology, they took the waiver process out of the State Department and put it into the Commerce Department, only to reverse that later on when we found out that many of the transfers had taken place.

We remember regretfully the time President Clinton signed a waiver to allow the transfer of guidance technology that was produced by the Loral Corporation. That is something that would be very dangerous for the other side to have.

Considering what little we do have left in terms of technology, I cannot imagine a worse time in our Nation's history to be making it easier to transfer technology from a pure national security standpoint than right now. So I am hoping my colleagues will look at what has happened over the last 8 years, look at what has happened over the last 2 weeks, and come to the conclusion that maybe this is a good idea for sometime in the future. It is not a good idea for this time.

I yield the floor.

Mr. ENZI. 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. THOMPSON. 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. THOMPSON. Mr. President, we have had considerable discussion about the President's authority under this proposed legislation. The point has been made that we have a fail-safe provision—that the President can always intervene and stop some item from being exported that should not be exported. But I think if you examine the legislation, you would have to conclude that through this legislation the drafters have made it difficult for the President to intervene and step in under those circumstances even in matters that constitute a threat to the national security.

If you look at section 212, which gives the President the right to set aside the foreign availability status—as you recall, under this legislation, something that heretofore has been controlled required a license. If there is a determination made by the Commerce Secretary that it is a matter of foreign availability under the criterion that they come up with, it will be decontrolled. They will be able to send it to China, Russia, or any of the other what have been tier III countries in times past. But there is a provision in here that the President can step in and exercise a set-aside.

Here is what the set-aside language says. It says if the President determines that decontrolling or failing to control an item constitutes a threat to the national security of the United States, and export controls an item which advances the national security interests of the United States—I will skip some of what I don't think are particularly pertinent provisions—it says the President may set aside the Secretary's determination of foreign availability.

Then it goes on to say that the President may not delegate the authority provided in this paragraph.

In the first place, we make it so that the President and only the President must deal with this matter, considering all the matters that he has to deal with, especially as I would again point out while he is trying to build his administration and while he is trying to get his people in place.

Then the act goes on to say that the President shall promptly, if the President chooses to use their nondelegation authority, notify the Congress. He shall promptly report any set-aside determination as described along with any specific reasons for the determination to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations in the House.

In other words, if the President chooses to intervene for reasons of a threat to national security, he must justify that to the Banking Committee and to the Committee on International Relations in the House. Then he must publish the determination in the Federal Registry.

That is not all the President has to do. Then the President has to engage in negotiations with foreign powers. It says in any case in which the export controls are maintained on an item because the President has made a determination under subsection (a), the President shall actively pursue negotiations with the governments of appropriate foreign countries for the purpose of eliminating such availability.

It may be a desirable thing. It might have been a desirable thing to negotiate with foreign countries even before somebody wanted to export something under this act to get them to try to do the right thing. But do we want to require the President to enter into negotiations with foreign countries? I assume we can do that under the separation of powers doctrine, if we choose to do so. But it is a rather significant step—all, again, under the rubric of the conditions that the President must comply with if he is going to step in and exercise this authority that we say he has to stop something from being sent abroad that constitutes a threat to the national security of this country.

That is not all the President has to do. It says he then has to report to Congress. Not later than the date the President begins negotiations, the President shall notify in writing the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on International Relations in the House of Representatives that the President has begun such negotiations, and why the President believes it is important to the national security that the export controls on the items involved be maintained.

Again, the President is required not only to enter into negotiations but to justify to the Senate Banking Committee and to the International Relations House Committee as to why he thinks this is important. But that is not all that we impose on the President if he wants to intercede on behalf of national security because of a threat to the Nation.

There is a periodic review of determination provision. It says the following:

> The President shall review a determination described in subsection (a) at least every six months.

Here he has made this determination that this item constitutes a threat to the national security, and now he must review it every 6 months. Promptly after each review is completed, the Secretary shall submit to the committees of Congress a report on the results of the review together with the status of international negotiations to eliminate the foreign availability of the item.

Again, the President has to make the review every 6 months. Then the Secretary has to go back to the committee and give them a report about the review, and then the status of negotiations. The President, through his representative, has to give the committee a status of these negotiations that have been imposed on the President.

But that is not all we require the President to do in order to intervene on behalf of national security.

There is an expiration of Presidential set-aside time. It says the determination by the President described in subsection et cetera shall cease to apply with respect to an item on the earlier date—that is 6 months after the date on which the determination has been made—or if the President has not commenced international negotiations to eliminate the foreign availability of the item within that 6-month period; B, the date on which the negotiations described in paragraph 1 have terminated without achieving an agreement to eliminate foreign availability; C, the date on which the President determined that there is not a high probability of eliminating foreign availability on the item through negotiation; or D, the data is 18 months after the date on which the determination described in subsection et cetera is made if the President has been unable to achieve an agreement to eliminate foreign availability within that 18-month period.

In other words, after setting up all of these obligations on the President, in

order for him to intervene on behalf of national security because of a direct threat to this country, the determination that has been made will go away and the thing can still be shipped unless he complies with the provisions I just read—if at the outside it is an 18-month time period, unless he can report back that they have concluded their negotiations successfully.

So then it says:

Action On Expiration Of Presidential Set-Aside.

Upon the expiration of a Presidential set-aside under paragraph (3) with respect to an item, the Secretary shall not require a license or other authorization to export the item.

Then we get to the final point. If the President, after going through this process, has not followed each of these items in any way, then the item is still shipped even though he originally made a determination that it constituted a threat to national security.

My point is this. I do not particularly object to any particular provision. I have not thought about it enough, quite frankly. I did not realize yesterday we were going to be having this debate in this much detail. But my point is this. Clearly, we are making it kind of tough on the President to intervene on behalf of national security, even when there is a threat to the national security of the United States.

He is going to look at this—and somebody on his behalf, hopefully, will look at it beforehand—and look at the onerous requirements, including entering into negotiations with foreign countries, reporting requirements time after time to congressional committees and certifications, in effect, as to what they are doing, giving up-to-date reports on how negotiations are going.

The President has to make the determination himself because under the act you cannot delegate. He has to do it himself. This is a burden on the President. While it is true that the President, under some circumstances, can intervene on behalf of national security, it is not an easy path for the President to take. That has to do with regard to matters of foreign availability status.

There is another section—I am not going to put you through the entire section 213, but there is another section called the ''Presidential Set-Aside Of Mass-Market Status Determination.'' So even though there is a determination that an item is mass marketed in this country:

If the President determines that—

And I am reading from the provision—

decontrolling or failing to control an item constitutes a serious threat to the national security of the United States, and

export controls on the item would advance the national security interests of the United States, or [et cetera]

the President may set aside the Secretary's determination of mass-market status with respect to the item.

Why it requires a threat to national security under the foreign availability set-aside, and a serious threat to the national security for the mass-market status determination, I do not know. But there is that distinction.

So here, even more than was applicable in the preceding discussion we had, it focuses our attention on a matter where the President of the United States could make a determination that something is a serious threat to the national security and still ''[i]n any case in which export controls are maintained on an item . . . the President shall promptly report the determination.''

He must give reasons for the determination to the committees that I just mentioned and ''shall publish notice of the determinations in the Federal Register not later than 30 days after the Secretary publishes notice of the Secretary's determination that an item has mass-market status.''

The President shall review a determination made under subsection (a) at least every 6 months.

Here is a President who has made a determination that something is a serious threat to the national security of our country, and we, as a Congress, require him to review that because we want to make sure the President did not make a mistake and say something was a serious national security threat when it was not, presumably. He is required to review it every 6 months. I quote:

Promptly after each review is completed, the Secretary shall submit a report on the results of the review to the Committee on Banking, Housing, Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

So, again, my point is not that there is anything intrinsically wrong with any particular part of what I just read. It is that clearly this legislation is designed to make things more easily subject to export. It is clearly designed to decontrol even to the point where we give the President authority to step in. We are setting up several steps for the President to go through over a period of time before he can do that.

So I want to make sure anyone who might be listening to this understands that, yes, the President can step in under some circumstances with regard to certain determinations but that he cannot snap his fingers, and he cannot pick up the phone, he cannot write out a memo; he has to go through a procedure that is a long-drawn-out procedure involving several steps if he wants to do that.

One of the things we are going to have to ask ourselves when we deal with this in a little bit more detail is whether or not, in matters involving a serious threat to this country, it is so important for us to lower the export standards that we are not willing to give the President a little more leeway, that maybe even if he justifies it to Congress and we do not agree with him, are we not willing to give the President perhaps a little more leeway in making a determination that under the words of the statute is a serious threat to our national security?

That is a serious question. That is one question that we are going to have to answer. That gets back to why we are in this Chamber today. We are still on a motion to proceed today. That is why we do not believe it is appropriate to notify us 24 hours in advance, and to try to push for a resolution of this matter in such a short timeframe, when amendments have not been fully drafted, when the Executive order that the administration is working on has not been drafted.

These are serious matters, serious questions. I may be overly concerned about what I just talked about. I am not sure. I have not had a chance to really digest it. All I know is that it is not enough to say that the President can step in and, lickety-split, there is no problem; he has taken care of the problem. It is not that simple at all.

Mr. KYL. Will the Senator from Tennessee yield for a question?

Mr. THOMPSON. I am delighted to yield.

Mr. KYL. Apart from the steps the President has to take if he is going to obtain this national security waiver, so that the item would be controlled, how long does that order last? And isn't there a limitation so that he can only issue that three times, for 6 months at a time, after which the President no longer has any control? In other words, the longest period of time he can control an item is 18 months. And after that, even the President has no authority.

Mr. THOMPSON. That gets back to the provisions in subsection (3) (A) (B) (C) and (D) on pages 200 and 201 in the document I think we are all looking at. It talks about the expiration of the Presidential set-aside. It says: ''A determination by the President described in subsection (a)(1)(A)(i) or (ii) shall cease to apply with respect to an item. . . .'' and it sets up conditions under which it ceases to apply with respect to the earlier of several dates. The Senator is right, there is an 18-month maximum period.

If some of these things happen earlier than 18 months, it would cease to apply then, as I understand it.

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

Mr. THOMPSON. Yes, I will.

Mr. ENZI. I am beginning to see the problem. We have ignored page 183 which is the section that, when we went through those extensive negotiations, we added that supersedes all of these 18-month, 6-month paragraphs about which we have been talking. Those are options. But undoubtedly the option the President would take would be the one on page 183, which allows the President to override anything in section 204, which are provisions that deal with components we have heard about earlier, and 211, which is the foreign availability and mass market status determination. This is a much easier section for him to use.

It does mention significant threat, but the President gets to determine significant threat. Nobody has the right anywhere in this bill to override whatever the President thinks. There is a reporting requirement, but that is all it is. He reports to the committees that have some jurisdiction on foreign availability and mass marketing. It doesn't say that the committee can challenge anything he says.

There is no recourse for the Congress other than knowing that he did it, and we asked for the transparency through the process. That paragraph overrides, at your request, the sections on foreign availability and mass marketing. I was hoping that had taken care of the problem and was of the understanding that that did eliminate the problem.

Mr. THOMPSON. This is very good, if I may respond. We did indeed talk about this. I was interested to see whether or not it was your view that this provision you just described did in effect override what I just read. If so—and I ask the Senator if he will agree with me—are these pages I have been discussing with regard to criteria for Presidential set-aside under 212—does that not make those requirements under 212 superfluous or irrelevant, and in what case would 212 apply when the enhanced controls provision would not apply?

Mr. ENZI. We had the language in section 212 in the versions when we were discussing it before. The President could use that. It is a mechanism. We thought that that provided Presidential control, even before we had our discussions. But we were specifically asked for sections 204 and 211, that we do something that was more overriding and more comprehensive, and we did.

Mr. THOMPSON. But 212 is not discretionary. The language of 212, and in certain important respects, requires the President to do certain things—the President shall actively pursue negotiations, et cetera. So if the language remains there, it is mandatory language, and it seems there might be some inconsistency there. I am wondering whether or not one of the things we might talk about is maybe paring this thing down a little bit in terms of some of this language in that it does appear—if my friend agrees that the enhanced control provisions are overriding. It does appear that this language would be superfluous and, if it remains, would be contradictory. I am wondering if perhaps that would be the basis of some discussion.

Mr. ENZI. It wasn't our intent to make it contradictory, but it was language that was already in there. The request was to override those sections, and we did that by putting in another one. Perhaps there could be a way to address this.

Mr. THOMPSON. With all due respect, I suggest there is more to it than that. It is not a matter of shortening it or making it more difficult. We have one provision here that says the President can intervene and override, in effect, if he goes through several steps, including negotiating with foreign countries. Then we have another provision—although the standard is a little bit different—that lets him do the same thing without going through all those steps.

Mr. ENZI. The criteria you mentioned of foreign availability is current law. That is what the President is forced to do at the moment.

Mr. THOMPSON. I am not saying I necessarily object to any portion of this. I am saying there is an inconsistency here.

Mr. ENZI. We were trying to get the administration, whatever administration it was, to work more on multilateral controls because everybody agrees that multilateral controls have more impact than unilateral controls. That is why we were encouraging the President to negotiate with the other governments to get them to fall in line on the controls so that we would have an effective multilateral control process as well. That was covered in the report we put out last Tuesday.

Mr. THOMPSON. Well, I understand it might be desirable for the President to do that. For my part, I would rather leave it up to the President to decide when he wants to negotiate with foreign leaders on these matters.

I will also suggest that when the President makes the determination under this enhanced control provision, that you just pointed out, that an item on one of these lists would constitute a significant threat to the national security, he ought to be given quite a bit of leeway. It might be a good idea to negotiate with foreign leaders; it might be a good idea to do a lot of things. We have to ask ourselves how many hoops we want the President to jump through if, in fact, he makes a determination that it constitutes a significant threat to national security.

I am not trying to negotiate the details of the bill with my friend today. This is one of the benefits of discussing this today and one of the reasons we are not ready to put a bill to bed. I don't claim to have all the answers to it. I haven't had a chance to think all the details through. But I believe we really need to ask ourselves how many hoops we want the President to have to jump through before he can exercise some authority when he makes a determination that there is a significant threat to the national security.

All these requirements I read a while ago having to do with the President negotiating, with reporting to Congress, having the thing expire—it even expires under that set of provisions—that is greatly different from the enhanced control provision that doesn't put any of those requirements on him if he determines that there is a significant threat to national security.

We don't want a court 2 years from now having to be the one to decide what we meant when we drafted this legislation. We need to decide here in this Chamber, after thorough debate and consideration, just exactly how that ought to be worded and whether or not we want to have what appears to me to be inconsistent provisions in the legislation.

I thank my friend for his comments. It is the basis for some discussion, as far as I am concerned, in an attempt to reach some resolution. I was not aware we were going to debate all the details. I welcomed the opportunity to have done that. The issue before us today is whether or not this is the right time, in the midst of everything that is going on in the country right now and everything that is happening internationally, to choose to signal to the world that we want to liberalize our export policies with regard to dual-use, high-tech, military-related items when we know the primary beneficiary of it is going to be China.

It is not a good time, and that is the reason I join my colleagues in opposing the motion to proceed. I do look forward, when we have had a chance to draft our amendments and hopefully have had a chance to look at the administration's Executive order that is supposed to fill in some of the areas that are a little bit sparse, to coming up with an Export Administration Act that is reauthorized but one that does what the Export Administration Act was designed to do—not to balance commerce with national security but to protect national security and do those things that are reasonable.

Nobody is intent on trying to protect things that are unprotectable. Nobody is intent on basing the legislation on yesterday's technology. Everybody knows that the world has changed. But that does not mean we should, without very careful consideration, change a policy we have had in this country for decades in terms of controlling those kinds of items and go to something that might sound reasonable and logical: The genie is out of the bottle; they can get it anywhere else; our friends will sell it to them; we might as well sell it to them. I am not there yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wonder if the Senator from Wyoming might respond to a question I have. As I read the bill, the section that he cited before, which relates to an override of sections 204 and 211, does not apply to section 213. Section 212 has to do with foreign availability, 204 deals with incorporated parts and components. The mass marketing section is 213.

As I read the President's authority under enhanced controls in that section the Senator referred to, on page 183, it deals with sections 204 and 211 only.

Mr. ENZI. Section 211 covers both foreign availability and mass market status. You are talking about the set-aside of the mass market status.

Mr. KYL. So the significant threat override authority would apply to any of the three items that we just talked

about—mass marketing, foreign availability, or component parts; is that correct?

Mr. ENZI. Yes.

Mr. KYL. I thank the Senator.

Mr. ENZI. We are hoping that adequate information will be given to the Senate for their oversight and their understanding of what is going on. We have always wanted that.

Mr. KYL. I thank the Senator for his information.

Mr. MCCAIN. Mr. President, I join Senators THOMPSON, SHELBY, KYL, and other members in objecting to the rushed consideration of the Export Administration Act of 2001.

This legislation, which governs the exports of sensitive technology to overseas buyers, has critical ramifications for American national security. Republicans in Congress rightly raised grave concerns over the Clinton Administration's export control policies, which had the appearance of being linked to campaign donations, and which we know improperly enhanced Chinese and Iraqi military capabilities. This Republican Congress, and our Republican Administration, must ensure that our national security controls on sensitive exports prevent powerful technology from falling into the hands of those who would do America harm.

This bill does not yet meet that threshold. Since the beginning of this year, six Senators, including Senator KYL and the Chairmen of the Armed Services, Foreign Relations, Intelligence, Governmental Affairs, and Commerce Committees, have sought and continue to hope to work with the sponsors of this bill, and with the Bush Administration, to ensure that S. 149 strikes the proper balance between our country's commercial and national security concerns.

I will save my specific, technical concerns about this legislation for the full floor debate on this measure, whenever it should occur. At this time, let me say that the bill's restrictions on presidential authority to regulate national-security related exports, the enhanced role given the Secretary of Commerce in the national security decision-making process, and the liberalization of exports of all goods, however dangerous to U.S. security interests, that may be otherwise available for sale in the United States or overseas pose problems that need to be resolved before the Senate can properly address this legislation.

As Chairman of the Commerce Committee, and as a strong supporter of free trade, it comes as no surprise to me that American businesses dominate world markets and have propelled the Information Age. Unlike businesses, however, we in this body have responsibility not only for the prosperity of this country, but also for its security in an uncertain and hostile world.

Let's be clear, far less than 1 percent of total U.S. exports fall under the jurisdiction of the EAA. Within that small proportion of exports that are sensitive, we have an obligation to ensure that these goods are appropriately controlled so that the peace and prosperity we enjoy are not threatened.

Have no doubt, our enemies, be they foreign nations or terrorist groups, have no qualms whatsoever with buying dual-use American products and putting them to military use. In this time of peace, let us work to sustain the dynamism of our economy while safeguarding our people by striking the right balance between the commercial and national security provisions in this bill. We have much work to do. That is why I join my distinguished colleagues in objecting to consideration of this measure until we have had the chance to prepare amendments and continue our work with the Administration to improve the bill.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I don't want to interrupt the flow of debate. I have a matter I would like to discuss that doesn't pertain to the matter before us. I see my good friend from Virginia. He may want to comment on this debate. If that is the case, then I will yield for this discussion to go forward, since I don't want to necessarily interrupt the flow.

Mr. WARNER. Mr. President, I have joined my colleagues for the purpose of contributing to the debate at hand. I think maybe I need 10, 12 minutes. Much material has already been covered. I don't wish to be redundant, but there are some points I would like to make.

Mr. DODD. I am happy to yield to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I reflected, as I approached the Chamber, that in my 23 years in the Senate, I don't know if I have ever opposed my leader on a motion to proceed. But, reluctantly, I do so this time because of my fervent belief that the views I have and share with a number of my colleagues are in the best interests of our Nation's security. With that in mind, I have tried for over 2 years to work with my distinguished colleagues, who have been speaking for some time, to resolve disputes within this legislation.

These disputes have cut to the very essence of how the United States plans to protect its national security in an era of rapid globalization and proliferation of technology—most particularly technology related to weapons of mass destruction.

On many occasions over the past year, I have joined others and have thought that we were close to obtaining a resolution on how to proceed on this bill. But each time, details have derailed us, regrettably, and those details indeed have overwhelmed the ability to compromise. I say ''details,'' but I think they are very important points.

My goal has been to strike, together with others, the proper balance between national security and commercial interests. This is a complicated issue that cuts across the jurisdiction of six committees. Five committee chairmen with the responsibility for national security matters in this country are together on this issue. I think that carries a subtle message in and of itself.

We have continuously expressed opposition to this bill in a respectful manner. I will not list the others because they are in the RECORD in the course of this debate. In addition, Senator KYL, although not a chairman, has taken a leading role. He has sort of been the ''Paul Revere.'' Each time this matter is approaching, he sounds that alarm and we respond.

This is an effort that requires careful thought and deliberate action. All of our committees should be united in an effort to reform our export control laws. If we do not obtain that type of unanimity—and I say this respectfully to my good friend from Wyoming and my good friend from Texas—we could be doing a disservice to our country.

At the present time, I believe it is premature to move this bill through the Senate, for two very good reasons: First, we need to give the administration, our new President, sufficient time to provide Congress with the promised details on how it plans to implement this legislation. I know full well that it has been stated—and I believe it is factually correct—that the administration has contributed a number of suggestions—which I think is 21—in the Banking Committee. The distinguished manager of the bill is present, and they have incorporated all of those. But when I look at it and listen and talk with the administration, those areas in which we have special concern are to be brought forth in an Executive order.

Very simply, we are just saying allow time for the administration to do the Executive order. Otherwise, we risk spending a lot of time on the floor with amendments if we should go ahead with the bill and proceed in addressing issues that may be better left to the discretion of the executive branch.

Secondly, moving this bill at this time without establishing consensus sends a wrong signal and could complicate a very difficult and tenuous policy toward China, which is still evolving. I cannot think, therefore of a worse time to pass legislation that could result in an increase of exports of high technology to China. I think we should listen carefully to the people in this Nation on this issue. This China policy is not just reserved to the bureaucrats in Washington—I say that respectfully—the executive branch and the Congress. The people of this Nation have very deep-rooted concerns about our relationship with China, and this subject goes to the very heart of those relationships.

I have serious reservations about bringing up the bill at this time, as I said. We are still awaiting specifics from the administration on how it will

implement this bill. We need to give the administration enough time to respond to our inquiries and deliver on their promises of additional information.

The administration reviewed this bill at the request of myself, Senators MCCAIN, SHELBY, THOMPSON, HELMS, and KYL. We had one meeting with the National Security Adviser on this issue. While the review was conducted without the benefit of working level political officials in place with responsibility for export control issues, I am confident the administration did the best it could given the timeframes and the people with whom they had to do the job.

Based on this review, the administration came up with a series of legislative changes that the Banking Committee included in its bill. This was a positive step, and I commend them. I support it, although I would have preferred this review take place with the benefit of the full administration package; that is, these amendments that have been adopted, together with other commitments that they have made to Congress on other issues.

More remains to be done. We have not received specific comments or recommendations from the Department of Defense. That input, in my judgment, is critical. The Banking Committee's bill, including the changes made to the bill at the request of the administration, provides for even less protection for national security than changes proposed to us by the last administration.

When the National Security Committee chairmen of the Senate were briefed on the results of the administration review, we were informed at that time that an interagency agreement had been reached on how the administration would enhance national security controls during implementation of the bill. We were then informed that the national security protections that we have sought would be included in an Executive order that would implement S. 149.

Despite several inquiries on the part of my staff and others to get the information that we sought, we have not been able to get any specifics on what is in this interagency agreement or what might be in the Executive order.

This information is critical in helping this Senator, and I think to not only the team we have put together, but many others, in order to make an informed judgment on this important piece of legislation.

Therefore, I most respectfully urge our majority leader and sponsors of the bill to wait until we have more information from the administration about how it intends to implement the national security protections.

Many of my concerns, as well as those of my colleagues, may be alleviated by the details of the administration's implementation plan.

If, however, we do not get an answer from the administration in a reasonable amount of time, I urge the majority leader to chair a working group of interested members to work to clear as many amendments as possible prior to taking the legislation up on the floor, so as not to waste a great deal of time.

At this time, in the absence of additional information from the administration, I have fundamental concerns with this bill. This bill continues the trend of dismantling our export control structure. During the height of the cold war, this Nation had a carefully formulated and carefully crafted export control process. There was a consensus—both here at home and with our allies—that we needed to protect our Nation's technology. The bottom line: It must never be used against us.

This consensus has broken down with the end of the cold war. Technology is proliferating, and this bill will continue that trend. If our pilots are shot down over Iraq or put in harms' way due to enhanced communications and computing technologies that enhance Iraqi air defense capabilities, we need look no further than to the lack of will and leadership over the last decade to control this technology. While this proliferation of technology may be inevitable, we need to understand the implications of any decision that leads to freer trade in advance technology. With that understanding, we then must do whatever it takes to protect our soldiers, sailors, airmen and marines as they face these new threats.

Since the fall of the Berlin Wall, we have witnessed a slow demise of the cold war consensus on export controls. I make three observations:

First, we have seen a dramatic liberalization—primarily through Executive orders of successive Presidents—of export controls. We are only controlling about 6 percent of what we controlled during the height of the cold war.

Second, because of the decline in defense R&D, technology innovation is primarily advancing in the commercial rather than the defense sector. This makes dual use export controls covered by the EAA even more critical in protecting our national security.

Finally, as a result of both of these developments, we are witnessing the global spread of advanced technology that was once solely in the military realm. This threat will require a significant investment in defense capability to counter.

Simply put, our export control policy has gotten out of balance. The Export Administration Act before the Senate, as currently drafted, tips the balance even further toward meeting commercial needs versus national security needs. There is a predominant emphasis in this bill on export decontrol, without, in my judgment, an adequate assessment of the national security impact of that decontrol. The bill now gives the Commerce Department the predominant role. I believe that this must be brought back into balance with enhanced DOD authorities and discretion. As now drawn, this bill also unnecessarily limits the President's discretion to control items for legitimate national security reasons.

At a minimum, we must address in this bill:

No. 1, the need to protect militarily sensitive technology. DOD and the intelligence community need to be able to protect sensitive technology from falling into the hands of potential adversaries. Technologies which, if proliferated, would undermine U.S. military superiority must be controlled. The national security agencies must be able to block any decontrol or export that might harm national security now or in the future. For example, hot section engine technology and other technologies that DOD and the intelligence community consider critical need to be protected.

No. 2, the need to enhance the role of the Secretary of Defense and the intelligence community in the export control process, given the limited amount of items we are now controlling, and provide for a workable national security waiver for the President. At a minimum, the concurrence of the Secretary of Defense should be required in matters relating to which products should be controlled, the process for reviewing export licenses, the rules for any interagency dispute process, and regulations implementing dual use export controls; and

No. 3, the need to ensure that the national security impacts of any proposed decontrol are well understood and articulated before decontrols are allowed to proceed. This assessment should be based on how this technology can be used as part of, or to develop, a foreign military or intelligence system or capability. Ongoing assessments need to be made to assess the cumulative impact of decontrols and the proliferation of technology.

This last point is critical. Congress needs to look at the impact on national security of export decontrol and the global diffusion of technology. We need to assess the degree of technology proliferation that is occurring and the risk that our adversaries will use this technology to gain some type of asymmetric advantage over our forces. Global technology proliferation could put at risk our military superiority. Future historians may look back on the rapid decontrol and leakage of western technology as the biggest national security lapse of the post-cold-war period.

I also want to ensure that unnecessary restraints on the ability of the private sector to compete in the global marketplace are removed. It is in our interest that U.S. businesses are able to maintain their commercial and technological edge over foreign competitors. However, when hard decisions must be made, national security must always be the paramount consideration.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Connecticut.

Mr. DODD. Mr. President, I came to speak on an education matter, but I

have enjoyed the last 45 minutes. I thank my colleagues from Tennessee, Virginia, and Arizona. I serve on the Banking Committee and have great respect for my colleague from Wyoming who chairs the subcommittee that deals with these issues.

The committee had extensive hearings going back into last year. The Senator from Wyoming deserves a great deal of credit—I know my colleagues share these views—for his tireless efforts to bring forth a bill that reflects not only the desires of exporters, but also takes into consideration the very important national security issues that our colleagues from Virginia, Tennessee, and Arizona have raised this afternoon.

The committee sent out this bill in March after seven different hearings with extensive testimony. I have been supportive of this effort.

I say to my colleague from Virginia, that he raises some very good points. This is not a debate that is going to attract nightly news attention. It can get rather detailed, as the Senator from Tennessee pointed out when he started talking about various provisions and what is intended by them.

As I listened, I clearly heard the spirit with which my colleagues raised these concerns, and they are concerns to which we should all pay attention. I know my colleague from Wyoming does. I, for one, thank them. I do not know what is going to happen with the debate. I hope my colleagues can address some of these concerns. Some amendments may be necessary. I suspect they will get broad-based support.

So, I came over to give a speech about education and I got educated, myself. I thank my colleagues, and I appreciate the points they raise. They are very valuable. The point raised about China is worthy of valuable note.

Mr. WARNER. Mr. President, I thank the Senator for his courtesies as always. It is a very simple equation. The bill got the attention of the administration. It is a new administration. Secretary Rumsfeld, for example, has in place today only three persons who have reached the full confirmation process and are now sworn into office. Six more have been processed by the advise-and-consent procedures of my committee and will come before the full Senate next week.

The administration is struggling to put together this highly technical response. I think they should be given a reasonable period of time before we plow into a legislative process in this Chamber.

Mr. President, I thank my colleague.

Mr. DODD. Mr. President, I thank my good friend and colleague from Virginia.

Mr. President, I am not going to take much time. I see my good friend from West Virginia who always has worthwhile information to share with this body. I see my colleague from Louisiana is here as well.

I ask unanimous consent to speak as in morning business.

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

EDUCATION

Mr. DODD. Mr. President, I am here to continue to raise my voice and express concerns about the forthcoming debate regarding elementary and secondary education.

During almost my entire service in the Senate, I have been fortunate to serve on what now is called the Health, Education, Labor, and Pensions Committee.

I have had the privilege of serving with many wonderful Members, Democrats and Republicans, over the years, who have dedicated themselves to improving the quality of public education in America: Senator Pell, Senator Stafford, Senator KENNEDY, the present ranking member, Senator JEFFORDS, the present chairperson of the committee. Each of them deeply committed to seeing to it that this Nation provides our children the best educational opportunities possible. I believe that the Members of the Committee, today, are anxious to continue that tradition.

I do not know exactly when this matter will come before the Senate for consideration, but I am troubled that during the process of negotiation, while we are trying to work out our differences, not all the issues are on the table for discussion.

It has been most worthwhile for us to deal with the issues of accountability. Our colleague from New Mexico, Senator BINGAMAN, has for years championed the cause of the accountability of our schools across America, both as a Member of this body, and earlier as a Member of the other body. He brings to this debate years of experience and knowledge and I am particularly grateful to him for his help.

Over the years, we typically have passed education bills that enjoyed broad support, 90 or 95 votes, to support our elementary and secondary schools. I enjoyed being part of those truly bipartisan efforts.

Every day, about 50 million children attend public schools in the United States. Many of them, through Title I of the Elementary and Secondary Education Act, depend on Congress to provide them with resources that they need to help them get the education they need and deserve. Yet, we spend only about 2 cents of every Federal dollar on public education. In my view, we have not been a very good partner with our local communities in helping to improve the quality of education. Another—probably surprising—fact is that the Federal government contributes only about 7 cents to every dollar spent on education. Our small towns, cities, counties, and States provide the other 93 cents education.

So, for all we talk about what needs to be done about public education, we really haven't put our money—your money —where our mouth is. A couple weeks ago, we debated the budget of our country. The great debate was over the size of the tax cut that the President has proposed. Virtually every Member, in fact, virtually everyone I know, believes that a tax cut makes sense given the budget surpluses projected.

But how much of a tax cut? The President wants $1.6 trillion, based on ten-year economic projections. I don't know of a single economist worth his or her salt who believes that we can project with any degree of certainty what America's and the world's economic situation will be a decade from now. Yet the President of the United States and those who support him on this matter want to spend $1.6 trillion of this budget over the next 10 years on a tax cut. And, Mr. President, $680 billion of that $1.6 trillion, will go to individuals who presently earn more than $300,000 a year. Over that same period, the President would increase spending on education by $42 billion, or about one-sixteenth of what he would spend on tax cuts for the wealthy.

I think in that context that we really ought to do better than spending only 2 percent of our budget to support America's educational. The administration and others say that full funding for title I of ESEA, which provides Federal dollars to the most needy school districts in America, is just too costly; that full funding for special education is just too costly; that we just can't afford it. But, we can afford $680 billion for a tax cut for people who make more than $300,000 a year which by the way is about twice as much as the Federal, State, and local governments combined spend on education in this country.

I represent the most affluent State in America on a per capita income basis. Some of my constituents want a tax cut. I have represented my State for more than two decades in the U.S. Congress. I am home almost every weekend. I have a fairly good idea of how people in Connecticut feel on issues.

On this issue, the overwhelming majority of my constituents, including those from the most affluent communities, tell me that we don't need this size tax cut, in light of the economic forecast and the many needs that America has. And, these are the people who would be the direct beneficiaries of the proposal the President is advocating.

This tax cut threatens to throw us back into the situation I encountered when I arrived in this body 20 years ago. I had been here a year, I say to my colleague from West Virginia, when I was asked to vote on a tax cut proposal that I thought was dangerous then. I wasn't sure. I was a new Member.

I was one of 11 people who voted against the tax cut proposal, and as I look back over 20 years of public service in this body, I don't think I ever cast a better vote. And I don't know many Members who were here that day who wouldn't like to have that vote back because of the great harm it did

to our country, throwing us into a deficit that took our national debt from $900 billion to almost $5 trillion in a little less than a decade.

Today, we have come out of that situation for a lot of reasons which I will not go into this afternoon. We have been given a second chance not to make the same mistake we did two decades ago. In the midst of this, we are going to have a debate about educational needs. The President has said many times that this is his No. 1 priority. How many times during the past year did we see the President campaigning in from of a banner that said ''Leave No Child Behind.''

I supported Al Gore for the Presidency, but I liked that the President said he was committed to leaving no child behind. And, part of me said that maybe he would take the right track. But, I am sad to report after 100 days that the ''Leave No Child Behind'' administration will do just that, if we adopt their education program that imposes strict new mandates on local communities—that they can't afford on their own—but won't commit the resources to match.

Unlike the defense authorization or the agriculture bill, which we consider every year, we won't consider the elementary and secondary education bill again for seven years. This is our one chance to establish our educational priorities as we start the new global millennium.

A child entering an elementary school in Connecticut today is not competing with a child from Louisiana or West Virginia or Oregon. They are competing with children from Beijing, Moscow, Australia, South Africa, and Europe. We are in a global economy. We have to produce the best educated, best prepared generation America has ever produced. And in no small measure what we do in the next few weeks will determine whether or not we are successful in that endeavor.

We talk about testing teachers and testing students. Well, we are about to take a test, ourselves. The test is whether we can get beyond politics in discussing an education bill, as we used to do around here. It is an embarrassment that we spend only two cents of each dollar of the national budget on education, when the President says that education ought to be our top priority. I agree with the President on that, but not on the resources he is willing to devote to education.

I am very worried that, during the ongoing negotiations, as we talk about testing and accountability, which I agree have and merit, we have not reached a consensus about how we will support real improvements in the schools. Tests are measurements, not reforms. We also need to support the real reforms that the tests will measure.

An educator in my home State of Connecticut said the other day: Taking someone's temperature three times an hour does not improve their health, medicine does. Or, as my good friend and colleague from Louisiana, Senator LANDRIEU, said the other day: Resources without reform are a waste of money. But reform without resources is a waste of time.

That is about as good a statement I have heard in this debate over the last number of weeks. She is exactly right.

I would like to place on the table, in addition to accountability and testing and the other things we are discussing, the principle that we ought to have resources committed to school construction, and other issues. It is a disgrace that the average American child goes to school in a building built in the 1950s. And, we need to help schools get class sizes down to a level where teachers can teach and kids can learn. That ought to be a part of this negotiation.

Teachers do a magnificent job every day. I am somewhat biased in this. My oldest sister has been a teacher for about 30 years in the public schools of my State. She taught in the private schools; in the Montessori system of teaching before that. I have a brother who taught 25 years at the university level and my father's three sisters taught for 40 years apiece in the public school system in my State. All three are now gone, but they prided themselves on that and dedicated themselves as teachers. One of them was a Fulbright scholar. She taught in the Hartford Public High Schools. So I come to this debate and discussion, I suppose, with somewhat of a bias in that I have grown up with two generations of my family dedicated to teaching young people.

Nothing makes me more angry than when I hear people suggest that teachers do not care. Maybe there are some, but I have never met one. The ones I have met, the ones I know, could have chosen other career paths in their lives and been financially rewarded to a far greater extent than they were as teachers. But they were dedicated to improving the educational quality of their pupils.

This Nation is built on a number of great things. One of the best is a commitment to education by a group of people who educate succeeding generations of Americans. Those teachers embrace the values incorporated in our Declaration of Independence and our Constitution. We ought to applaud them every single day and thank them.

I listen to teachers talk about what needs to be done. We all ought to pay attention to that. We ought to listen to our PTAs and school boards, people who work every day with these issues. When I talk about class size, school construction, afterschool programs, teacher quality—these are not my ideas; these are not issues the Senator from Louisiana or the Senator from West Virginia or the Senator from Oregon thought up on our own. We were back listening to the folks at home who told us this is what is needed to make the system work better.

In the remaining hours and days here, before we begin a debate on this subject matter, let us not be co-architects of a plan we will come to regret. There are those who are anxious to see the public educational system of this country disappear. I know that sounds like a radical thought, but there are those who believe it. I believe we may be setting up a system that will have a self-fulfilling prophecy ingrained in it, to produce the result that schools do not work and that we have to come up with alternatives to those to educate people in this country.

That is not an answer. Mr. President, 55 million children went to school today: 50 million went to a public school, 5 million went to a private or parochial school, 5 million. There is no way in the world we are going to create a private or parochial school system to accommodate the educational needs of generations of Americans for the 21st century and beyond. We have an obligation, every one of us here and at home, to weigh in and to make our schools better. We need national leadership that is going to put their shoulders behind that effort. And you cannot do it on the cheap. You cannot go around the country and talk about it every day and show up in classrooms for photo opportunities and come back here and say: We just cannot afford to do this, but we can afford to spend $1.6 trillion on a tax cut, nearly half of which goes to the most affluent.

I hope my colleagues in the coming days will find that common ground and put these items on the table. Let's negotiate these items as well before we come to the floor with an education bill that runs the risk of testing kids and holding schools accountable but not providing the resources that our most needy schools require to implement reforms.

I apologize to my colleagues for taking a bit more time than I thought I would, but I thank you for your attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate my colleague on his speech this afternoon. I share his thoughts, so beautifully and so eloquently expressed on this Senate floor. I salute him, and I will be working shoulder to shoulder with him to advance the education of our children.

During a recent break, I read a book by Sir Francis Bacon. The book is entitled, ''The Advancement Of Learning.'' He was talking about some of the same things we are talking about today: the need for equipment in our educational institutions; the need to pay, the need to remunerate the people who teach in these schools. So I think we are—I was about to say ''walking in good footsteps.'' I hesitated because Sir Francis Bacon was impeached and went to the tower for a while. But anyway, I congratulate my friend.

Mr. President, I understand my friend and colleague from Louisiana is also interested in speaking. May I ask her how much time she would need?

Ms. LANDRIEU. I could probably use 5 minutes, if the Senator could be so gracious to allow that, for comments on education.

Mr. BYRD. I have three speeches. I am not noted for brevity in my speeches, but I do not worry about that too much because Cicero was once asked which of Demosthenes' speeches, he, Cicero, liked the best.

Cicero's answer was, ''the longest.'' He liked the longest of Demosthenes' speeches the best. Of course his speech ''On the Crown'' was probably the greatest speech ever made.

I wonder if the distinguished Senator will let me do my first speech, which will require less than 10 minutes. Then I ask unanimous consent that I may yield to the Senator for her remarks, and that I retain the floor so I might complete my other two speeches.

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

SENATOR STROM THURMOND

Mr. BYRD. Mr. President, this morning's Washington Post contained a front page story on our distinguished colleague, Senator STROM THURMOND.

I am the Senator in this body who has served longest with Senator THURMOND. I served with Senator THURMOND when Senator THURMOND was a member of the party on this side of the aisle. So, having served with Senator THURMOND all of these long years, I began reading the story, thinking how nice it was that the paper would devote time and space to take notice of the longest serving U.S. Senator in American history, Senator THURMOND, who has cast more than 15,800 votes. He is a man who loved his country so much that he gave up his draft exemption status during World War II in order to enlist in the U.S. military and take part in the invasion of Normandy and the liberation of Europe. I salute Senator THURMOND for his patriotism. He didn't have to do that, but he did it.

As I read the story, I was filled with dismay, then revulsion. Contrary to my expectation, what I was reading was a demeaning drivel filled with denigrating language and insensitive images.

As I read, I kept asking myself, what is the point of this story? Is there any purpose to be served by it?

This is certainly not a news story. Yet, it is on the front page of a major national newspaper—a newspaper that is read around the world everyday, a newspaper that is a great newspaper.

I can see neither a point nor a purpose to the story other than a pathetic attempt to demean an outstanding man and a long serving, distinguished federal lawmaker.

Every senior citizen in America ought to be offended by this orgy of pejorative blather which aims only to viciously exploit something as normal as the human aging process.

We are all going to be old one day, if we live long enough. We ought to be conscious of that fact. We should be conscious of it every day regardless of what pursuit we follow in life.

Is there no decency anymore?

Is there no respect for anything anymore?

The people of South Carolina continue to place their confidence and their trust in Senator THURMOND. They elected Senator THURMOND to represent their State in the U.S. Senate. And they have elected him and reelected him many times. That is their judgment to make, and I respect their judgment, and so should everybody else.

The Senate is a collective body of 100 men and women who have been elected by the people of their various States to make the Nation's laws. We are a unique body. One-thousand, eight hundred and sixty-four men and women have served in the Senate since the first day it met in 1789.

We are a special body. While we may have our disagreements on this floor, I believe that the Members of this body for the most part respect each other off the Senate floor as well as on the Senate floor.

However, midway through the story, the Post journalist quotes a Senator who ''agreed to speak candidly only if he was granted anonymity.''

I am speaking candidly today, and I don't do so with anonymity.

At any rate, the story quotes the unnamed Senator as saying, in talking about Senator THURMOND, ''At what point do you draw the line?''

That is the question I kept asking myself as I read this inappropriate, tasteless, cheap-shot piece of journalism: At what point do you draw the line?

That is the very question the Washington Post should have been asking before they chose to print their tabloid tripe: At what point do you draw the line?

May I suggest that the real story here is not Senator THURMOND's age. The real story should be that he loves this institution so much and loves serving the people of South Carolina so much that he, at the age of 98, continues to serve and have the courage to carry on, and that he loves his country so much that he was willing to set aside his exempt status in World War II and participate in that dreadful landing on the beaches of Normandy and risk his life, as so many others risked their lives. And many of them never returned. Senator THURMOND continues to serve and have the courage to carry on, in spite of non-news, deeply offensive stories such as the one in today's Washington Post.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

EDUCATION

Ms. LANDRIEU. Mr. President, I thank the Senator from West Virginia for his heartfelt and wonderful remarks. I thank him for yielding just a few minutes this afternoon to me to speak about the subject of education to follow up on many of the things our colleague from Connecticut, Senator DODD, said so eloquently just a few minutes ago. I appreciate the Senator from West Virginia yielding.

I could actually spend over an hour speaking about this subject because it is so important to our Nation, and it is so important to the State I represent, Louisiana. I will come back often during this debate to try to help focus our attention on some of the aspects of this educational debate that is so important.

Let me begin by simply saying that we are spending a good amount of money on education today. We are spending about $18 billion. That is a lot of money. It is a lot of money to the people of Louisiana. And title I is $8.6 billion with a ''b''—not a million but a billion. That is a huge amount of money, but, unfortunately, I am here to say today that it is not enough to do the things we know we need to do to help reform and improve our schools and to truly give every child in this country a chance to succeed.

As the Senator from West Virginia knows, there are no guarantees in this life. The Government cannot guarantee every citizen a good life. But our Constitution, the formation of this country, and the reason we come to work I think every day as Senators and Members of this body is to try to provide at least equal opportunity and an equal chance to succeed, to be a part of this great Nation.

There are many ways we can try to do that. But one fundamental way is through the process of formal education—providing excellence in education to every child, whether they be born into a wealthy family, or a poor family, a black family, or a white family, whether they are born in California or New York or Louisiana or Minnesota.

Today, as a nation, we believe we have an obligation. We did not always believe that because prior to 1965 education was a very local enterprise. But since 1965, this Government has recognized that the Federal Government does, in fact, have a role to play, not only in helping States with dollars but, hopefully, now helping them with direction, and moving them to reforms into excellence because while some of our public schools are working, too many of them are failing.

So as we speak about this education debate, yes, we are spending a significant amount of money, but it is not nearly enough. In fact, you can look at how our money has really not increased.

For the record, let me share with you that the title I portion, which is $8.6 billion of the $18 billion total, since 1965, has barely kept pace with inflation. So while every year we come to Washington and say education is our No. 1 priority—the polls most certainly indicate that on the Republican side

and Democratic side—our budgets have not reflected that because when items are a No. 1 priority, they get greater than an inflationary increase. They get significant increases in the budget to reflect that No. 1 status. That is simply not happening in the area of education, particularly in title I.

So we want to fight for reform. We want to fight for accountability. But we must have those investments to make those reforms real or it is an empty promise and we are going to be leaving many children behind—millions of children, as Senator DODD said.

Let me just share with you, first, a chart that shows that money does matter. There have been hundreds of studies done, but let me just share one with you. This is a New York study that was recently done that links the rises in school financing to test scores.

In New York, 39 low-performing schools were targeted. These are schools that were failing to meet academic standards. These schools were targeted, and they were given a set of reforms: higher standards, testing, all of the things that we want to do; and, in addition, money, anywhere from $500,000 to $1 million was invested, for smaller class sizes, longer school days, and teacher training.

Do you know what happened. Children began to learn because the reforms were matched with the dollars. In this particular study, we saw an increase of 7 percent in reading, and 3.5 percent in math, based on the reforms and the investment.

I could share with you hundreds of studies and case examples in Louisiana, New York, and California where it proves the point that money matters. Will money correct the problem by itself? Absolutely not. We could triple the amount of money in education under the current system, and we probably would not see much in the way of results. But we are on the threshold of mandating rigorous tests, very high standards, and real consequences for failure.

I believe passionately that if we do not match that historic commitment to excellence and accountability with an historic increase in funding, we are going to leave many millions of our children behind, disappoint communities around this Nation, with unfunded mandates and broken hearts and broken promises. We simply cannot do that. We need to increase funding substantially.

Let me share another number for the record. The proposed tax cut will return $69 billion this year. The current education budget provides only $2 billion extra. Mr. President, with $69 billion for investments in tax cuts, $2 billion for investments in education, it is not nearly enough.

The three R's bill that I have been supporting and promoting asks for an $8 billion increase in education. That would be a significant start—more than the rate of inflation. Not only would the increase help to match our commitment to reform and accountability, but the targeting aspect is also important.

Let me share one other chart today.

One of the problems, as I have tried to outline, is the lack of adequate funding and the real need to match these new accountability standards—new testing standards and new standards of excellence—with real dollars to help our schools to meet these new targets. But equally important as the amount of the funding is the way the funding is distributed.

Right now, we are missing the mark. We are missing our targets. The Federal Government provides a portion of education dollars to the State, and all of us agree—Republicans and Democrats alike—that the primary role of the Federal Government is to help level the playing field so that whether you are in a poor community or a poor State, you have an equal opportunity for an excellent education. Regardless of the fact that he or she might live in a district where there is no capacity for raising taxes, that student should still have a chance for a good education.

Our targets are missing the mark. Depicted in the center of this chart are the schools that are up to 100 percent of poverty. After 35 years, we are still not funding 100 percent of the poorest children in our Nation. We have not reached them. We have tried for 35 years, but we are not reaching the target. When you move out to those schools that are between 50 and 75 percent of poverty, we are only reaching 80 percent of our children. When you move out further, to those schools that are between 35 to 50 percent of poverty, we are reaching less than 50 percent of our children. We need 100 percent for the poorest of our children. We need 100 percent for those schools between 50 and 75 percent of poverty. And we need at least 75 to 100 percent for those schools at 35 to 50 percent of poverty. If we do not, the promise that we make to help the poor children in this country, many of whom live in States such as Louisiana, West Virginia, California, and New York—and they exist in every part of this Nation—will simply be empty. It is not fair.

As I conclude, let me just say that not only is it not fair; it is not smart because our Nation will not function at its highest capacity. We cannot remain the supereconomic power that we are. We cannot provide our industries with workers who have had skilled training if we do not make a commitment at the national level to not only increase the amount of funding for education significantly, over and above the inflation rate, but that we also target those extra dollars to the communities that need the most help, hoping that wealthier communities and affluent communities could step up to the plate and do the job, but communities that are poor and disadvantaged, the Federal Government would help.

In conclusion, let me be clear that we want to help every child in every district in every State. In our formula that we are recommending—and I am going to be offering an amendment that will certainly do that—every child, every community, and every school district will get help from the Federal Government. But we will give special help to those districts that need it the most. This is not just about taking temperatures; it is about having the medicine to give to our children to help get them well and to give to our schools to help make them excellent. If we raise the standards and do not help our children meet the standards, we are going to have a high level of frustration, anxiety, and pain across this Nation.

So I commend the President for wanting to move to a system of greater accountability. I have supported that. My State of Louisiana is leading that effort. But if we do not couple that new accountability with increased targeting and increased investment, we will be making a very bad mistake that our Nation will pay for dearly in the decades ahead.

Let us start this new century with a renewed commitment, with renewed vigor, with a commonsense approach; yes, with more accountability and reform, with real dollars to match, targeted in a way that will really bring the promise of this great Nation to each child, whether they live in West Virginia or Louisiana. We can do it. We have the money to do it. The question is, Do we have the will? I believe we do. With the President's leadership, with bipartisan support, we can find the will to do right by our children in their schools and in their communities.

Mr. BYRD. Mr. President, I thank the Senator from Louisiana. I share her enthusiasm for education. I am grateful that she is a Senator who is using her foresight and vision and talents to advance the cause of education.

TAKE YOUR DAUGHTER TO WORK DAY

Ms. LANDRIEU. Mr. President, the Senator from West Virginia should note what for all of us is a special day on Capitol Hill. It is Take Your Daughter to Work Day. While my own precious little 3½-year-old daughter is not with me today because she is not quite old enough to appreciate the significance of this day, I do have nine beautiful little girls from Louisiana whom I have adopted for the day and a whole Girl Scout troop here from Capitol Hill, Troop 4062. I will submit their names for the RECORD.

I want the RECORD to reflect that they were here today working with us to help make this Senate and this country a better place. I wish them all much success. I am glad that so many of our Senators and staff invited the young girls today to share this experience with us.

I thank the Senator for yielding the time and ask unanimous consent to print the names in the RECORD.

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

LOUISIANA GIRLS

Jillian Willard, Tricia Boh, Caitlin LeBlanc, Kristin Scianna, Brooke Holmes, Katherine Klimitas, Adriana Klimitas, Ashlyn Wink, Rebecca Wink.

GIRL SCOUTS—TROOP 4062

Vicki Faling, Savannah Jameson, India Teal, Daniella Harvey, Skye Dantzler, Sabina Tarnowka, Danielle Flynn, Sharae Hughley, Casey Beasley, Maeve Wiegand, Blaire Laney, Sybil Bullock, Moredia Akwara, Samantha Snow Marsh, Clara Wiegand, Lakisha Campbell.

Troop leader: Sandy Lelan.

Assistant troop leader: Connie Jameson.

Mothers of Girl Scouts: Carrie Campbell, Mary Ann Snow.

THE ROLE OF TELEVISION

Mr. BYRD. Mr. President, I want to take a few minutes to discuss an issue that I have addressed several times before on this floor—that is, the role of television in the lives of the American people. Today's television would have you believe that the television program ''How to Marry a Millionaire'' is a guide on how to find the perfect mate; that ''Temptation Island'' is a guide to stable relationships; that Al Bundy is a paragon of parental nurturing, while his wife, Peg Bundy is reflective of virtuous American womanhood; that ''Who Wants To Be a Millionaire?'' is educational television.

I am ashamed and embarrassed that according to a survey by the Annenberg Public Policy Center at the University of Pennsylvania, 70 percent of the parents surveyed regard ''Who Wants To Be a Millionaire?'' as educational television.

I regret to say that the sorry state of television is becoming the sorry state of America: 59 percent of Americans can name the three Stooges, but only 17 percent of the American people can name three Supreme Court Justices; only about 50 percent of the American people could identify the Vice President of the United States, but 95 percent could identify Homer, Bart, and Marge Simpson.

Three years ago, I came to this floor to express my shock and utter amazement at the details of a story in Time magazine entitled, ''Everything Your Children Already Know About Sex.'' The story told how our children are learning their sexual values from television programs like ''Dawson's Creek,'' which boasted of a character who lost her virginity at the age of 12 while drunk. There was ''Buffy the Vampire Slayer'' in which a male vampire turned bad after having sex with 17-year-old Buffy.

''Why are we letting our kids watch this morally degrading, thoroughly demeaning, junk on the airwaves?'' I asked.

But from that low point, television has only continued to degenerate. It seems that many television programs are busily intent on answering the question, ''how low can you go?'' with the fare that they put before us.

The land, the society, the country that once produced the works of James Fenimore Cooper, Herman Melville, and Nathaniel Hawthorne, now gives us the works of Howard Stern and Jerry Springer. No wonder the late Steve Allen, a pioneer in the television industry, complained that television had become a ''moral sewer.''

When I think of television today, I seriously wonder whether Charles Darwin's theory of evolution is being stood on its head by popular culture. Evolution implies progress. Going from the musical accomplishments of Beethoven, Bach, and Mozart to the groans and moans of HBO's ''Sex in the City'' is anything but progress.

By the age of 18, the average American child will have viewed about 200,000 acts of violence on television. Before that child leaves elementary school, that child will have watched, on the average, about 20,000 murders and more than 80,000 other assaults. This means that during their most formative years, our children will witness approximately 100,000 acts of violence.

But the problem with television is more than the content of the programs alone. It is the nature of the beast—or should I say, the nature of the boob tube. There are 102 million TV homes in the USA; 42 percent of them have three or more sets. The average American spends four hours of each day—that amounts to two full months of each year—staring at the boob tube. Forty percent of the American people stare at the boob tube even while eating.

The negative impact of too much television is becoming more and more apparent as more and more studies have demonstrated: the link between television violence and real violence; the link between television and increasing obesity among young people; the link between television and declining interest in the fine arts; the link between television viewing and low academic performance. To put it bluntly, Mr. President, television is helping to create a morally irresponsible, overweight, lazy, violent, and ill-informed society.

Mr. President, this week, April 23–29, is national ''TV Turnoff Week.'' Turn it off! Let's have more turnoff weeks; make it 52 weeks of the year, national ''TV Turnoff Week.'' This is an effort sponsored by the TV-Turnoff Network, a grass-roots organization that has organized thousands of schools, clubs, community organizations, and religious groups to get the American people to turn off or limit their television viewing for one week to discover that there is actually life beyond the boob tube. The group has won the support and endorsements of dozens of powerful organizations, such as the American Medical Association. They have certainly won my support and my hearty endorsement. Hallelujah! Turn off that TV.

The organization's motto is, ''Turn off TV. Turn on life.'' Their point is well taken. Life should be more rewarding and interesting than sitting in front of a box and becoming mesmerized with morally degrading, mind-numbing nonsense. That is what it is.

Instead of sitting in front of the television for 4 hours a day, get some exercise! Get out-of-doors. Go for a walk, a hike, a bike ride, or swim. It will be far better for your health.

Instead of sitting in front of the television for 4 hours a day, read a good book! Read Emerson's Essays, Carlyle's ''History of the French Revolution,'' read history, read the Bible, read Milton's ''Paradise Lost, Paradise Regained.'' Read ''Robinson Crusoe.'' Read something that is worth reading. I ask, which will make one a better person, spending hours watching ''Survivor,'' ''Big Brother,'' and ''The Weakest Link,'' or using the time to read a great literary work by Shakespeare, Dickens, or Goethe. Groucho Marx said that he found television to be very educational because, ''Every time somebody turns on a set, I go into the other room and read a book.'' I like that. I say, ''be like Groucho.'' Let's have more Groucho's. Simply turn off the television set and read a good book.

Instead of sitting in front of the television for 4 hours a day, spend some time with the family. Family members can use the opportunity to take a trip together to the local museum or art gallery, or simply talk to each other during dinner. Make your family the center of home life, not the television set. Studies by professor Barbara Brock at Eastern Washington University found that in TV-free families, parents have about an hour of meaningful conversation with their children every day, compared with the national average of 38 minutes a week. Here would be an opportunity for parents to emphasize their values—not Hollywood's—to their most precious asset—their children.

I don't want to leave the impression that all television is bad. I have seen some very educational, very informative, very uplifting, very good pictures, shows, and plays on television. There is much programming that is truly educational. I have been to one movie since I have been in Washington. I have been in Washington now 49 years. I have been to one movie. I left that movie. I didn't stay and watch it through. I became bored and I walked out. Yul Brynner was, I think, the main player in that movie. I walked out. But just within the last few weeks, I watched a picture in which Yul Brynner played. I believe it was—I am trying to remember now. I have watched some good pictures recently. I watched ''The Ten Commandments,'' which was a good picture. That may have been it. Yul Brynner plays in it and I liked him in it. He played well. So I don't want to leave the impression that all television is bad. I think that C-Span, PBS, and the History Channel

provide worthwhile viewing to the audience. I also believe that programming like Ken Burns's series on the Civil War is quality programming that expands our knowledge and deepens understanding.

But I do want to emphatically stress that there is much more to life than the boring, degrading, demeaning fare on the boob tube. I urge the American people to use this week to break your addiction to television. Just say no! As the TV-Turnoff Network urges, ''turn off TV, turn on life.''

In addition to becoming healthier, both mentally and physically, one might be able to name three Justices on the Supreme Court.

One might even be able to name the Vice President of the United States.

Mr. President, I applaud the efforts of the TV-Turnoff Network and urge them to keep up the good work. And I urge my colleagues and the American people to participate in national ''TV Turnoff Week.''

Mr. President, I have another statement I want to make. But I am very conscious of the fact that my favorite U.S. Senator on this side of the aisle has been on the floor waiting. I am very willing to set aside my speech and listen to my colleague before I proceed further.

(Mr. ENZI assumed the chair.)

Mr. KENNEDY. If the Senator will yield, I thank the Senator from West Virginia, who is typically courteous, as always. I am very grateful for his thoughtfulness. I welcome the opportunity to continue to listen to his very fine statements. There are many important things that are happening in the Nation's Capitol and around this country today, but I think if the American people will pause and listen to the good advice of my friend and colleague about the importance of reading as opposed to television, in his excellent presentation, I think this would be a wiser and more thoughtful country. I commend the Senator for his statement and the subject matter. I look forward to continue listening.

Mr. BYRD. Mr. President, I thank my colleague. But I want to give him a second chance. I want to give my friend a second chance. I want to warn him that this is poetry month. I am all ready to talk about poetry, and I am ready to at least render my memorization of at least 8 or 10 or 12 poems. So I will give my colleague one more chance. If he would like to make his speech now before I start, I would be happy to yield.

Mr. KENNEDY. The Senator may be even more reluctant to interfere. We have a good prospect of listening to him quote poetry. All of us are enormously impressed that when the Senator travels back to West Virginia, he takes time to learn and to memorize poems. As a result of that experience, and a very long and distinguished career in the Senate, he has an enormous reservoir of knowledge of poetry and an incredible encyclopedic memory for poetry that always seems to be right for every special occasion. I look forward to hearing some of those this afternoon.

Mr. BYRD. Mr. President, I thank Senator KENNEDY. I really have enjoyed my long service with the distinguished senior Senator from Massachusetts. I have learned a great deal from him, and I prize that friendship.

Mr. KENNEDY. If the Senator will yield, does the Senator intend to mention that wonderful poem about the ambulance in the valley? That was always one of my favorites. I don't know whether the Senator planned to include that.

Mr. BYRD. I did not plan to include it, but I will be happy to try to do that.

Mr. KENNEDY. I thank the Senator.

Mr. BYRD. I thank the Senator. That is very thoughtful of him and very good of him. I appreciate his interest in that particular poem, among others. Let's do it this way. I will make my speech and do the poems that I have included, and then I will give the Senator a chance to make his speech, and if he is still interested in my giving that poem, I will be happy to, or I will be happy to wait until another day.

Mr. KENNEDY. I thank the Senator.

A CELEBRATION OF POETRY

Mr. BYRD. Mr. President, this is entitled ''Looking Up At Him'':

I asked the robin, as he sprang
From branch to branch and sweetly sang,
What made his breast so round and red;
Twas ''looking at the sun,'' he said;
I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, ''looking to the sky'';
I saw the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
They answered, ''looking to the light'';
I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;
He answered, ''looking up at Him.''

Mr. President, this month, our nation recognizes National Poetry Month, a celebration of poetry and its place in American society. Like spring, poetry offers man a rebirth of his inner spirit. Poetry expresses our humanity, and, through meter, makes music of the spoken world as it rhythmically sways and floats through our imaginations. It is the laughter of children, the gentle rustle of an autumn breeze, and the pitter-patter of a sun shower. Poetry, simply put, is beauty defined.

Man comes a pilgrim of the universe,
Out of the mystery that was before
The world, out of the wonder of old stars.
Far roads have felt his feet, forgotten wells
Have glassed his beauty bending down to drink.
At altar-fires anterior to Earth
His soul was lighted, and it will burn on
After the suns have wasted on the void.
His feet have felt the pressure of old worlds,
And are to tread on others yet unnamed—
Worlds sleeping yet in some new dream of God.

Whether constructed with long cadenced lines or intricate stanzas, conventional or openhanded sonnetry, light quatrains or heavy ballads, or the age-old epic yarns of Homer and Virgil, the power of poetry surrounds us. It tells of love, of death, of things temporal or spiritual, and of the hereafter. It speaks of the most common of occurrences and the most revealing of emotions, and it flows like a symphony, its meter enhancing the expressiveness of its words. These virtues can be seen in Alfred Tennyson's ''Crossing the Bar'':

Sunset and evening star,
And one clear call for me!
And my there be no moaning of the bar,
When I put out to sea,
But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.
Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

I have often found that a good poet helps me to examine my inner self through the poet's use of words, meter, and rhyme. Such poets enable their readers to look within and to confront their own vexations and perplexities, and then sort out the wheat from the chaff and deal with the inevitable dilemmas of life. An example of this can be seen in Robert Frost's ageless masterpiece, ''The Road Not Taken:''

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that, the passing there
Had worn them really about the same,

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

Frost's words sing, and at the same time, as I reflect on his deft metaphor for the choices we all make in our lives, they burn in my mind. For 83 years I have encountered diverging roads, some in the beautiful woods of West Virginia and many here in this Chamber. The choices that I have made at these crossroads have, in fact, made all the difference.

Speaking of roads, there are many bridges also that we have to cross in this great country of ours. It brings to my mind a poem by Will Dromgoole. One might think this is a man who wrote this poem—Will Dromgoole, but it is a female author:

An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and wide and steep,

With waters rolling cold and deep.
The old man crossed in the twilight dim,
The sullen stream had no fears for him;
But he turned when safe on the other side,
And built a bridge to span the tide.

''Old man,'' said a fellow pilgrim near,
''You are wasting your strength with building here.
Your journey will end with the ending day,
You never again will pass this way.
You've crossed the chasm, deep and wide,
Why build you this bridge at eventide?''

The builder lifted his old gray head.
''Good friend, in the path I have come,'' he said,
''There followeth after me today
A youth whose feet must pass this way.
The chasm that was as nought to me
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim—
Good friend, I am building this bridge for him.''

The lines of a poem contain the timeless power of concentrated thought. Whether a poem is as ancient as the ''Aeneid'' by Virgil or as straightforward as the verses of Emily Dickinson or Ella Wheeler Cox, poetry can evoke the full range of human emotions from joy to sadness. Poems are, as William Butler Yeats once said, ''monuments of unaging intellect.'' Poems may also be monuments to historical eras—speaking for every man and woman of the time. One such poem, ''The Right to Labor in Joy,'' by Edwin Markham, captures the discord and tension of the era when the grasp of European despotism began to weaken:

Out on the roads they have gathered, a hundred-thousand men,
To ask for a hold on life as sure as the wolf's hold in his den.
Their need lies close to the quick of life as rain to the furrow sown:
It is as meat to the slender rib, as marrow to the bone.
They ask but the leave to labor for a taste of life's delight,
For a little salt to savor their bread, for houses water-tight.
They ask but the right to labor, and to live by the strength of their hands—
They who have bodies like knotted oaks, and patience like sea-sands.
And the right of a man to labor and his right to labor in joy—
Not all your laws can strangle that right, nor the gates of hell destroy.
For it came with the making of man and was kneaded into his bones,
And it will stand at the last of things on the dust of crumbled thrones.

Whether introspective, political, or pastoral, all poetry is intended to elicit an emotional response. Some poems use free-flowing meter and cleverly crafted verse to bring a smile to the reader's face. But, very often such verses also embody simply universal truths which make us nod our heads in agreement. One such example is the poem, ''Trees,'' written by Joyce Kilmer.

I think that I shall never see
A poem lovely as a tree
A tree whose hungry mouth is prest
Against the earth's sweet flowing breast;
A tree that looks at God all day,
And lifts her leafy arms to pray;
A tree that may in Summer wear
A nest of robins in her hair;
Upon whose bosom snow has lain;
who intimately lives with rain.
Poems are made by fools like me,
But only God can make a tree.

Other poems delve into more complex and profound regions of the human experience. These poems resonate deeply and touch the deep chords of our senses, echoing through our imaginations over and over again. Thomas Moore's ''The Scent of the Roses,'' comments on love, death, and poignant memories.

Let fate do her worst, there are relics of joy,
Bright dreams of the past that she cannot destroy,
That come in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the base if you will,
But the scent of the roses will hang round it still.

Nothing has the capacity of poetry to condense the pain and the beauty of living and to reach the spiritual side of our natures. A talented poet can elicit tears with only a few lines of verse, while the novelist must reach for plot twists and character development to garner a similar response. In no form of expression is the choice of each word so important. Listen to William Earnest Henley's ''Invictus'' and its description of the author's triumph over an infection that almost cost him his only leg and threatened his life.

Out of the night that covers me
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.
In the fell clutch of circumstance
I have not winced nor cried aloud;
Under the bludgeonings of chance
My head is bloody, but unbowed.
Beyond this place of wrath and tears
Looms but the Horror of the Shade,
And Yet the menace of the years
Finds, and shall find, me unafraid.
It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

In plain and simple words, William Earnest Henley draws from courage and the depths of his soul a supreme strength of human will, while in the crucible of excruciating pain and under the shadow of death.

Poetry has always been a passion of mine, and a form of art which I hold dear to my heart. Consequently, I have sought to discipline my mind through the memorization of lines and verses of poetry. Many people jog today in the exercising of their bodies. I do little of that. But I mostly try to jog my mind, jog my memory, give it exercise, keep it busy. I have memorized poem after poem, trying to capture the beauty and wisdom of each one. Poetry has been my consummate companion over the years, and the verses that I have committed to memory are not only a delight to my ears, but a balm to my soul as well. I try to be selective in the poems I memorize. It does take time. It takes effort. It takes energy. It takes determination. It takes discipline to memorize poetry. I frequently make use of these poems in my speeches, carefully choosing a verse that captures the essence of my message, always assured that its beauty will deliver in the keenest sense what I try to convey. One such poem which has served me well is by Henry Wadsworth Longfellow: ''The Building of The Ship.''

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears.
Our faith triumphant o'er our fears,
Are all with thee, are all with thee!

Can one think of a more beautiful description of the promise of America, and of what we as Senators have a duty to protect? We have nothing less than the hopes of mankind in our charge!

Poetry is man's attempt to reach up and out of his human skin, and connect, just for a moment, with something perfect and eternal.

Edwin Markham's, ''A Workman To The Gods,'' could be seen as a tribute to the perfection sought by the poet.

Once Phidias stood, with hammer in his hand,
Carving Minerva from the breathing stone,
Tracing with love the winding of a hair,
A single hair upon her head,
Whereon a youth of Athens cried,
''O Phidias, why do you dally on a hidden hair?
When she is lifted to the lofty front
Of the Parthenon, no human eye will see.''
And Phidias thundered on him:
''Silence, slave: Men will not see, but the Immortals will!''

Like the carving of Minerva that Phidias so carefully chiseled into the relief of the Parthenon, a well crafted poem lifts all of humanity and is an undeniable testimony to the immortal nature and exceptional beauty of the human soul.

A poem is a symphony of words just waiting to be played, and, like any good piece of music, it only improves with the playing. My own repertoire of poems has provided me with great spiritual enrichment and the special comfort of finding meaning in my own experiences which I might not otherwise have easily discerned. I applaud the efforts of the Academy of American Poets and the programs that they have organized for the sixth annual National

Poetry Month. Through celebrations such as this, I hope that poetry will come to be appreciated by a new generation of Americans so that they might enjoy the deep spiritual enrichment that poetry has provided to so many. I should mention that great English novelist and poet, Rudyard Kipling, who received the Nobel Prize for literature in 1907 and about whom I was reading when I was yet in high school in the early 1930's

In his ''Recessional'' and similar pieces, Kipling addressed himself to his fellow countryman in times of crises. Today I shall only quote from Kipling's ''The Heritage'':

Our fathers in a wondrous age,
Ere yet the earth was small,
Ensured to us a heritage,
And doubted not at all,
That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity

Then, fretful, murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labor while we sleep.
Dear-bought and clear, a thousand year
Our father's title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

I shall close with one of the poems by Henry Van Dyke, another poet and essayist popular in the closing days of the 19th century and the early decades of the 20th century. This poem, ''America For Me,'' has been very popular with my own constituents for whom I have quoted it so many, many times during my travels in the West Virginia hills.

Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumply castles and the statues of the kings,
But now I think I've had enough of antiquated things.

So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.

I like the German fir-woods, in green battalions drilled,
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly western woodland where Nature has her way!

I know that Europe's wonderful, yet something seems to lack:
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,
We love our land for what she is and what she is to be.

Oh, its's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Mr. President, Senator KENNEDY was planning to speak. While we are waiting for Senator KENNEDY, I shall quote another poem:

I saw them tearing a building down,
A group of men in a busy town;
With a ''Ho, heave, ho'' and a lusty yell.
They swung a beam and the sidewall fell.

I said to the foreman, ''Are these men skilled
The type you'd hire if you had to build?''
He laughed, and then he said, ''No, indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do.''

I said to myself as I walked away,
''Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a fellow who walks the town,
Content with the labor of tearing down?''

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

TRIBUTE TO JIM ENGLISH

Mr. DASCHLE. Mr. President, I come to the floor today to honor a very special person. His name is Jim English. He is the Democratic staff director of the Senate Committee on Appropriations. In the course of the 30 years he has worked in the Federal Government, 23 of which were right here in the Senate, Jim has served the Senate and the American people with great distinction.

I have had the privilege of working with and getting to know Jim well as he carried out his responsibilities on one of the most important committees of the U.S. Senate, the Senate Appropriations Committee. Very few people I have encountered in my time in the Senate—be they members or staff—have made as big a difference in the lives of everyday working people. Throughout his Senate career, Jim has constantly and consistently done what is best for the American public, regardless of their political persuasion and social status.

Although he worked directly for our colleague, Senator BYRD, Jim has always had time to listen to and help deal with the needs and requests of any Senator who came to him seeking assistance. I have seen first hand his patience, his expertise, and his willingness to lend his considerable talents to help Member after Member do right by their constituencies. Perhaps the greatest tribute one can pay to Jim's professionalism and expertise is that he has managed to attain the absolute trust and confidence of Senator BYRD. Suffice it to say that such a feat is as major as it is rare.

During his time in the Senate, Jim has set a standard of conduct and accomplishment that will be exceedingly difficult to match. In my mind, Jim has come to symbolize what we mean when we use the term public servant. I thank him for choosing to spend part of his life with us. We are all better off as a result.

I wish him well in whatever he chooses to pursue in the next stage of his life and hope that others who follow in his footsteps remember the lofty standards he established.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came to the floor and I heard Senator BYRD and Senator DASCHLE speak about Jim English. The only thing I can say about Jim English—not nearly as well as the two of them have spoken about him—is, No. 1, he has worked for and with the master, Senator BYRD. I think he knows almost as much as Senator BYRD does about the appropriations process—maybe not quite as much. But I can tell Senator BYRD that I think Jim is a lot like Mike Epstein, my former deputy. I came here and I knew so little. Maybe I now know a little more. I still have a lot to learn.

Jim is just so gracious and so willing, when people are just rushing and rushing, to take time and mentor you and to be your teacher. Jim worked for Senator BYRD, but in a way I believe he was there to work for all of us. He certainly helped me a lot. At the beginning I hesitated to ask him. I knew of his expertise. When he was so gracious and so obliging and never made me feel as if I was a fool, then I believed he was a great teacher, willing to answer more questions. I have asked him many, many questions. He has answered those questions. He has helped me. He has helped a lot of Senators.

He truly represents the very best of public service. We are going to lose a great man. The country is going to lose a great man. There is no question about it.

I thank you, Jim.

Mr. KENNEDY. Mr. President, I am delighted to have the opportunity to join my colleagues in this well-deserved tribute to Jim English, who is retiring from the Senate after 30 years of outstanding service. Jim has done a brilliant job over the years as both a majority staff director and a minority staff director on the Senate Appropriations Committee, and we will all miss him very much.

Jim was talented and always helpful, and he was an enormous source of advice and counsel for all of us on so many aspects of the appropriations process. Whatever the issue, and however complex the process, especially as the annual deadline neared, Jim was always a steady hand and a remarkable source of inspiration and wise counsel.

Jim's name may not be well known to the citizens of our states, but over the years, the people of all 50 states have benefitted immensely from Jim's skillful work.

It is a tribute as well to our distinguished colleague, Senator BYRD, that he has had the remarkable service of such an outstanding member of his staff over the years. We will all miss Jim very much. We thank him for his extraordinary services to the Senate and the nation, and we extend our best wishes to Jim and his family for a long and happy retirement in the years ahead.

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

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

UNANIMOUS CONSENT REQUEST—S. 1

Mr. LOTT. Mr. President, I think it is essential that we go forward with our education reform package. A lot of good work has been done in the Health, Education, Labor, and Pensions Committee. Senators on both sides of the aisle—Republican and Democrat—have worked hard. They reported out a bill overwhelmingly from the committee. A great deal of negotiation has gone on since then between members of the committee, the House and Senate, both parties, and the administration. A lot of the reform language has been agreed to, with a lot of understanding about the amount of funds that will be necessary to implement this legislation.

But the important thing is that we go forward. I do not think you could ever get every detail worked out and agreed to in advance. It is called the legislative process. You go to the Chamber, you have debate, you have amendments, you have votes, you get a result, and you pass the bill.

Over the past couple years, I have quite often been criticized that I would not let the Senate work its will. And now, for a week, the Democrats have been blocking going to the bill, blocking the motion to proceed to the education bill.

This is the highest priority for this President, I believe for the Congress, both parties, and for the children.

I believe that if we go forward and have a good debate and have amendments that we will get a result that will be good in improving the quality of education in America.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 23, S. 1, the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, I say to the majority leader that where I would dissent from his remarks is that actually there is a lot of negotiation going on. I think Senators on our side have made some very basic points. One is, it is important what is in the bill before it comes to the floor. Two, I think we are quite far apart, although hopefully we at some time will be together about whether or not, in fact, there will be the investment in children, to make sure that the children and the teachers and the schools have the tools to succeed. This is really a choice between whether or not you want to put so much into, I say to the majority leader, Robin-Hood-in-reverse tax cuts, with over 40 percent of the benefits going to the top 1 percent of the population, or you are willing to make the investment in education and children.

I am so pleased the President has announced the goal of leaving no child behind. But it cannot be done on a tin cup budget. We are looking at the whole issue of kids with special needs, the IDEA program, the title I program, afterschool programs, teacher recruitment, smaller class size, and doing something about these dilapidated buildings.

So my hope is we will be able to resolve what I think are important questions. But I think the Democrats are very committed to this discussion about education, very committed to doing it right. If, in fact, we are going to call this piece of legislation, as the President has, the BEST, then we ought to be doing our best for children. I have no doubt that the people in Minnesota and the people across this country are looking for a real commitment of resources and the Federal Government living up to its obligation. We should be accountable. Just as we call for the teachers and the children to be accountable, we should be accountable as well. That is what we are going to be strong on.

I object.

Mr. LOTT. To clarify, does the Senator object to bringing up and going forward with the education bill?

Mr. WELLSTONE. I said I object to going forward with the education bill while we are in negotiation, while we do not know what is in the bill, while we do not have a commitment yet on the investment of resources and the Federal Government and the Senate and the House living up to our commitment to children and education in the country.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I now withdraw the pending motion to proceed to S. 149.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 1, the Elementary and Secondary Education Act.

I say to the Senator from Minnesota, there have been many days of negotiation. A lot of progress has been made. Everybody acknowledges that. But this bill should have been taken up in March. Now here we are almost in May and we are still negotiating. If we are going to have everything wrapped up before it ever comes to the floor of the Senate, there would not be much for the Senate to do around here.

Ordinarily, you get as much of an agreement as you can, get a bill reported out, and bring it to the floor. Negotiations are not going to end. They are going to continue. But on some of them we are not going to be able to reach an agreement.

I say to my colleague, in a State that is trying to improve education, and, again, as a son of a schoolteacher, if just money would solve the problem, we would have a higher quality of education in America than we do today.

We have spent well over $130 billion over the past several years for the title I program. I don't want to demean that program. It has done some good and can do more good, if we give a little more flexibility at the local level where the money can be used, where it may be used differently in Minnesota than it would be in Texas, give a little flexibility to make sure you are addressing the needs of those title I children in an appropriate way.

But just money is not enough. We have to have some real reforms. Money is part of it. I admit that. The President has asked for more money for the reading program. The President has indicated he supports more funding for title I and for IDEA and for bilingual education.

We are making progress. He is moving in the right direction. But I don't know if we can ever come up with enough money in this area or a lot of the other areas to suit every Senator. They can always find some way—it is easy—to say ''give me more.''

One of the reasons we ought to have tax relief is to let the people keep a little bit more of their money to help the children with their needs. That is why I think we ought to double the child tax credit; let the parents get more of the benefit of their money to help their children with their needs. Let them decide if they need a little tutoring, if they need a computer, whatever it may be.

One of the reasons parents can't always do what they need for their own children is that they don't get to keep enough of the money they earn. Why in the world would we take from the mouths of labor the bread that they have earned? That is a quote from Thomas Jefferson—a great line.

At any rate, some Senators are adamant about objecting to proceeding to the education bill. I think that is a mistake. I think we ought to move forward. I suspect that some of the amendments that would be offered—and maybe the Senator from Minnesota would support and I would oppose—probably will pass. What are they worried about? We can bring this to a satisfactory conclusion that would be

good for everybody. This is a win-win-win opportunity. Let's not blow it.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending motion to proceed so that we can get under way. I have let the Senate basically mark time now for the last week without achieving any real progress or closing the negotiations. I think it is time we guarantee that we can get on the bill.

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:

Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

Mr. LOTT. Mr. President, I have consulted with Senator DASCHLE and advised him that I would be filing cloture. This is not a surprise on his part. I know Senator KENNEDY was aware of it. I am sorry he was not on the floor because he has been working very hard doing a good job.

Under the rules, this vote then would occur on Tuesday. I ask unanimous consent that this cloture vote occur at 9:30 a.m. on Tuesday and that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I want to make a statement on a recent trip I have made to the Mideast. I want to alert my colleagues to the fact that beyond what is available in the news media, the situation in the Mideast is so serious it is really hard to describe. The concern I have is that the violence is likely to move beyond the borders of Israel where Hamas and Islamic Jihad may be targeting other installations, perhaps even U.S. installations.

I had an opportunity to talk with the Israeli leaders, including Prime Minister Sharon, who has the understandable position that he is not going to negotiate for peace until the violence has ended.

I had an opportunity to talk with Palestinian Authority Chairman Yasser Arafat, who makes representations which simply are not true. Arafat makes the contention that he has issued an unequivocal edict for the Palestinians to cease the violence, citing as an example a speech he made at the Arab summit. When that speech is examined, it is so conditional as to be meaningless.

We had an opportunity to travel as well to Damascus where conversations were held with Foreign Minister al-Shara.

The situation between Israel and Syria is very tense. Israel retaliated against a Syrian radar installation because of the Hezbollah attacks against Israel from southern Lebanon Hezbollah being backed by Iran with the concurrence of Syria.

The trip I made occurred during the past Easter recess, and I will describe it in some detail in the course of this floor statement.

Upon coming back to the United States, I have written to the President urging him to appoint a special representative in the Mideast, just as that had been the practice going back to the days when Henry Kissinger shuttled for President Nixon, special envoys being appointed by President Jimmy Carter, President Ronald Reagan, President George H. W. Bush, and President Bill Clinton.

Mr. President, from April 7 to April 21, we traveled from New York City to London, Florence, Ashkelon, Tel Aviv, Jerusalem, Cairo, Damascus, Beruit, Souda Bay, Crete, and Rome en route to Philadelphia.

In London, we met at the British Ministry of Defense with Ian Lee, the Director of the NATO and European Security Policy Department, and Deputy Director, A. D. Richards. The meeting touched on a range of issues. Among those were President Bush's position on missile defense, the British outreach to rogue nations, the viability of NATO absent a Soviet threat, plans for the proposed European defense force, and the British thoughts on the War Crimes Tribunal and the International Court.

Mr. Lee stated that the British reaction to President Bush's position on Missile Defense and its effect on the ABM Treaty was one of general support. They have an appreciation for the risks and agree with the United States on the threats. However, they are waiting to see what the actual proposal would be.

Mr. Lee stated that the United Kingdom was at a different stage than the United States in regards to its relation with several rogue nations. Its mission in Iran is moving toward having an ambassador, while it continues an effort to establish diplomatic ties to Libya.

I next met with Mr. Emry Jones Parry, the Political Director and Deputy Undersecretary of State for the Foreign and Commonwealth Office. Also attending was Mr. Jonathan Darby, the U.S. Desk Officer, Foreign and Commonwealth Office, and Mr. Mort Dworken, the Charge d' Affairs at the American Embassy.

When questioned about the proposed European Defense Force, Mr. Parry offered insight as to why Mr. Blair, who is a strong supporter of NATO, had come out in favor of an European defense force. According to Mr. Parry, Mr. Blair apparently believes that by putting a European flag on the force structure, European nations will be more likely to put money into it as well as spend the money on what they should in a NATO context.

Mr. Parry noted the idea of a European defense force has been around since 1952. He said it is not designed to remove the U.S. from the theater, but make it more likely to have the U.S. there because the Europeans would be pulling more of their own weight.

On the issue of the International Criminal Court, Mr. Parry stated that the U.K. is generally in favor of it. It believes there is a need for a forum to hold those accountable who would otherwise escape justice because of a lack of interest in their home jurisdiction. He was surprised when I told him that War Crimes Tribunal Prosecutor Carla Del Ponte was thinking of indicting General Wesley Clarke and other NATO officers for targeting civilians and for recklessly endangering them in targeting military objectives. Mr. Parry said it was his understanding that that British troops could not come under indictment because of provisions that the United Kingdom would take care of its own.

When I asked why we are putting so much into NATO in light of the loss of the Soviet threat, Mr. Parry replied that NATO's actions in Kosovo show that it is still necessary.

Our conversation then turned to the U.K.'s actions with Iran and Iraq. Mr. Parry noted that Britain was looking to keep a relationship open with the nations, and then if firm action was later required, the relationship could be adjusted accordingly.

I then asked Mr. Parry if the Europeans might eventually be on board the idea of missile defense. He responded that the assumption in Britain was the United States would go ahead and deploy a missile defense system, if it would work. The British position is that they will do what is necessary to ensure its success, but would like it to be ''arranged in such a manner as to generate greater solidarity on the issue.''

We then had substantive discussions in a working tea with the Baroness Scotland of Asthal QC, the Parliamentary Under-Secretary of State for Foreign & Commonwealth Affairs with ministerial duties including North America. Over tea at the House of Lords, we discussed the American/British relationship. She also described her background and how she came to be in the House of Lords.

After having tea in the House of Lords, we then walked across Parliament to the House of Commons Central Lobby, where I was met by the Rt. Hon. Geoffrey Johnson Smith, MP, with whom I had a wide ranging discussion of issues. Smith and I had debated in November 1949 when he represented Oxford and I was on the Penn team.

Later that same day, we met with the country team headed by Mort Dworken, Charge d' Affairs, who briefed us on the latest information regarding foot and mouth disease, fallout from the Administration's position on the Kyoto Accords, European security policy and the status of US/British relations.

In attendance were Mort Dworken, Charge d' Affairs; Tom Hamby, Foreign Agriculture Minister-Counselor with the U.S. Department of Agriculture; Ed Kaska, Economic Affairs Officer; Captain Stu Barnett, USN, Defense Attache; and Sonya Tsiros, Political Officer.

We initially asked about the current status of the foot and mouth epidemic and were told the disease was still not under control. The British Government was undertaking a massive control program to try and isolate the virus. This included the slaughter of over 1 million head of livestock with another half million yet to be killed. In addition, the government was restricting movement in the countryside including the closure of such historic sites as Stonehenge.

Tom Hamby, from the U.S. Department of Agriculture, noted that the U.S. currently has sixty veterinarians in the country both to help as well as become educated on successful ways to combat the disease. He described the effort much like a military campaign so that if the virus gets to the U.S., we will have people trained and on the ground to fight it.

We inquired into the political and economic effect of the disease and found that both had been affected. Prime Minister Blair postponed the national elections until June 27th due to the severity of the disease. Economically, the disease had yet to show its full weight. Although the U.K has less than 2% of its Gross Domestic Product in agriculture, the closure of the English countryside had a clear economic affect in regards to tourism. At the time, there was no definitive number on the economic impact.

Early the next morning, we traveled to Florence, Italy where our first meeting was with a trio of lawyers with the famed Ferragamo family businesses to discuss trademark protection. During the meeting, we were told that the majority of Ferragamo products which are illegally copied originate in Asia. We asked how counterfeiting was detected, and whether there were any trouble in distinguishing the quality between counterfeit and non-counterfeit goods. The answer was yes, there often is a difference in the quality of the leather and accessories. But that is not always the case. Now counterfeits can often be of a very good quality, and be very difficult to differentiate.

We were surprised that the Italian government doesn't do more to stop this form of theft, especially since so many of the top designers are from Italy, and asked how much litigation they are involved in to protect the Ferragamo name. Most litigation, it turns out, is of a civil nature and is injunctive in nature. Even though most actions are civil, it is very difficult to get damages based upon the design of Italian law.

As for criminal actions, it is recognized as a form of larceny, but the criminal courts consider it to be of nominal value and not as important as other crimes. We were told that in one case often cited by the courts, a customer went to buy a ''Ferragamo'' purse and paid a low price for it. The court reasoned that since the price was so low, the purchaser had to know it wasn't a real Ferragamo purse and therefore, no fraud occurred. I commented that by prosecuting a few white-collar crimes, a real deterrent effect could be achieved.

Later that day, we discussed a wide range of US/Italian/European issues over lunch with Consul General Hilarion Martinez at his home above the American Consulate. During the course of our discussion, he stated that although American students widely participate in education programs in Florence and all throughout Italy, it was difficult to get Italian students to come to the U.S. because Italian Universities often do not recognize the credit hours bestowed by American Universities, absent a one on one agreement between the institutions.

Early the next day, we set out to visit the Georgetown campus in the hills above Florence. Upon arrival, we were greeted by Ms. Heidi Flores, the Director of the Georgetown program. The campus is located on a beautiful villa overlooking the whole of Florence, and was established in 1981 when the facility was donated to the university. It has 27 students currently enrolled and 6 faculty. Other similar programs in the area include New York University, Syracuse, Smith College, California State, Florida State, Stanford, and the Universities of Michigan and Wisconsin.

We asked them who it was that we could talk to about producing a reciprocal agreement between the U.S. and Italy which would seek to recognize credits equally. The Minister of Universities was identified as the appropriate individual. He could give substantial background information regarding the problem.

During my visit at the Georgetown campus, we met Cuffe Owens a student and a nephew of my colleague Senator JOE BIDEN.

After returning to the city, we met with Mr. Patrick McCormick, the Director of Communications for the UNICEF Innocenti Research Centre on Piazza SS. Annunziata. Mr. McCormick gave me a brief on the activities of his center which was founded in 1988 ''to strengthen the research capability of the United Nations Children's Fund, UNICEF, and to support its advocacy for children worldwide.'' We touched on several areas including an on-going study in West Africa on trafficking in children, religious persecution in the Sudan and child protection. His first hand accounts of children as young as five being used as soldiers and camp slaves in Sierra Leon were quite troubling. His organization continues to push for the education of young children which they see ''as central to poor countries economic well-being.''

After leaving UNICEF's Research Center, we participated in a press conference at the Florence City Hall, Palazzo Vecchio regarding a joint effort between Italian Police and Microsoft in Livorno, Italy in which a large counterfeiting operation was uncovered. Attending were representatives of Microsoft, and local government officials.

At the news conference, the Microsoft representatives stated that counterfeiting was most prevalent in Tuscany so they had started a law enforcement action in Florence. They said that the reproduction or cloning was so good that it took Microsoft experts some 15 minutes to tell the difference between a counterfeit product and a genuine product. They also stated that they had located in the past year in Europe some 25 million Microsoft counterfeit products on the market at a loss of 1.7 billion dollars.

According to Microsoft, the national (Italy) rate for illegal/counterfeit Microsoft sales was in the 31–37 percent category. In Brescia, the illegal reproduction was 65 percent before passage of the copyright law in 1999, and have since been reduced to 29 percent. The law provides for fines and a jail sentence and also has provisions for search and entry. There have been some efforts to apply the copyright infringements to internet apparently to online sales.

We had an opportunity to discuss with the attorneys whether there had been any criminal prosecutions brought under the new law. They responded with a lengthy description of the process. Apparently, there had been no criminal prosecutions. We then asked if there had been a use of the search and entry law, and he said that they had one such case where counterfeit products had been transported from Singapore to Holland to Milan. The Microsoft experts aided the police in the search and entry, helping to identify counterfeit products.

In Israel, we met with Prime Minister Ariel Sharon, former Prime Minister Ehud Barak and Foreign Minister Shimon Peres. Our first meeting was with Mr. Peres whom I first met in Tel Aviv in 1980 and have seen him on many occasions since, both in the United States and in Israel.

Minister Peres was in good spirits, displayed his great sense of humor, proceeded to give a comprehensive discourse on the state of affairs in the Mid-East, and to respond to our questions. Minister Peres started our conversation by saying that terrorism was as un-American as communism used to be. The topic of conversation on our minds was the escalating violence on the border with Gaza, and the northern border with Lebanon. Peres was firm in his conviction that when the time to negotiate comes, everything must be on the table, no impositions on the Israelis, and no impositions on the Palestinians.

Peres then asked me to explain to Palestinian Authority Chairman Arafat whom I was scheduled to meet later in the trip, that some of Sharon's words are very tough, but that the Israelis have several guiding principles. They will respect signed agreements as long as both sides respect them. Israel, he said, is ready to make painful compromises for peace, including reemployment in the territories. He also added that the final proposal offered under former President Clinton is dead since he left office. He stated that he thought it was a big mistake on Arafat's part not to accept that deal.

Peres stated that it is currently very hard to negotiate because of all the anger. Arafat's delivering of ''impossible'' speeches only makes it more difficult as well. His view is that the Palestinians think Israelis are militarily harsh in the territories, and that in order to move forward, a different climate must be created there. The best thing that could happen is to change the conditions there. The answer for the Palestinians is not the battlefield, but the bargaining table-as it has historically been.

I asked Minister Peres whether Arafat could control terrorism. He replied he could do a lot by making a strong and unambiguous declaration against it, and prevent the police force participation in the violence. Minister Peres stated that the current situation was not one of absolutes, except that the Israelis seek absolute effort. The first expression of that effort is an unambiguous, unconditional and strong statement rejecting violence delivered in Arabic.

Following our meeting with Foreign Minister Peres, we walked a block to a meeting with former Prime Minister Ehud Barak. I had first met the former Prime Minister when he was just out of the army, and starting to become active in labor politics, perhaps five or six years ago. I have met him on several occasions subsequently, including his visit to the White House in July 2000 where President and Mrs. CLINTON hosted a large dinner in his office in his honor, in a big tent on the South Lawn.

Mr. Barak was also in good spirits considering the strenuous campaign, his recent election defeat, and the difficult negotiations and tenure as Prime Minister. The former Prime Minister spoke at length about his extensive three-way discussions involving President Clinton, Arafat and himself. He spoke about, as he put it, his ''contemplation'' as to what might have been encompassed in a settlement, but emphasized that none of the discussions about Jerusalem or the concessions on land were final offers until the entire deal was complete.

I told him that I had met in Washington several weeks ago with the Egyptian Foreign Minister who said he knew I had a trip planned to the Mid-East and urged me to meet with Arafat. I told him I would consider it. When President Mubarak was in Washington in early April, he also urged me to meet with Arafat and I agreed to do so providing the meeting took place in Cairo. In my discussions with President Mubarak, I had anticipated his being present during my meeting with Arafat. As it worked out, Mubarak was not in Cairo for my scheduled meeting with Arafat. His deputy Osama El-Baz joined me in the meeting.

The former Prime Minister stated that he thought it would be very useful for me to meet with Arafat, so Arafat would understand the thinking of a member of the Senate. I asked Mr. Barak about the prospects for the peace process from this point forward and he said he thought it would be very difficult for the immediate future. He emphasized that he had great admiration, respect and friendship for Prime Minister Sharon whom he has known for decades, and emphasized he would do anything in his power to help the new Prime Minister.

Mr. Barak asked me about Israel's standing in the United States. I replied that U.S. Congressional support for Israel was continuing, and I thought that the new Bush Administration would similarly be very favorably disposed. We talked about the evenly divided Senate, and he was very interested to know about our recent budget battle and the significant role played by Vice President CHENEY. He asked about the economy which we then discussed at some length.

Upon leaving my discussion with former Prime Minister Barak, I met with Ambassador Uri Lubrani, the Lebanon Coordinator for the government of Israel at the Ministry of Defense Headquarters. Joining us was the former Foreign Minister to Iran, Zidma Divon, Deputy Director General of the Foreign Ministry, and John Scott, Counselor for Political Affairs at the American Embassy. They expressed real concern with Iran's backing of the Hezbollah movement in South Lebanon. During the course of our discussion about Iran, Ambassador Lubrani showed me a quote from a report of a British Ambassador to Tehran in the sixties, at the end of his tour of duty: ''The Iranians are people who say the opposite of what they think and do the opposite of what they say. That does not necessarily mean that what they do does not confirm to what they think.''

After our meeting with Ambassador Lubrani, we drove from Tel Aviv to Jerusalem where we met the next morning with Prime Minister Ariel Sharon. Also in attendance was Binyamin Ben-Eliezer, the Minister of Defense, and Daniel Ayalon, the Foreign Policy Advisor to the Prime Minister.

Our meeting was conducted with a backdrop of an escalating conflict. During the previous evening, Israeli planes had bombed a Syrian radar installation in Lebanon in retaliation for the actions of Hezbollah in south Lebanon. I started my conversation with the Prime Minister by noting that the Egyptian Foreign Minister had asked me to talk to Chairman Arafat. Prime Minister Sharon wasted no time in delivering his message. The policy of the Israeli government would be to draw a distinction between the civilian population and terrorists, supporters of terrorists and instigators. He stated that he plans to ease the conditions in the territories. And at the time, stated he was ready to show flexibility except in one area, under no circumstances will he be flexible with the security of the Israeli citizens.

Although Sharon did express some willingness to negotiate, it was clear that in his eyes the plan pushed by President Clinton in his waning days in office, is dead. ''Peace is more painful than war,'' he said, ''because you have to make concessions for peace.'' ''I have a true desire to move the process forward, not the process that has already failed.'' No negotiations would occur, Sharon assured me, under the ''threats of terror.'' The violence must stop. The Prime Minister noted the violence occurring in Gaza, and stated that the violence could not continue. The Israelis wouldn't accept it. ''We are very much interested in stability in the Middle East, but we are not going to pay for it. We have the natural right to exist and defend ourselves.''

I told Sharon that we were planning on driving from Damascus to Beruit as part of our trip. He said the current situation that exists in south Lebanon, is not what was contemplated by the withdrawal agreement. Hezbollah wasn't supposed to occupy the positions they currently hold.

Sharon then stated that Iranian influence continued to grow in the area, with the approval of Syria. ''Iran is building an independent center of international terror, which could not have been done without the support of Syria. Syria could have stopped them.''

Sharon then noted that the actions of the previous evening in bombing the Syrian facility was a warning to Syria. He wanted to send a signal that Israel would not accept the possibility of Israeli soldiers being killed in Israel. Negotiations do not currently exist with Syria. First must come the Palestinian question. ''Israel can't negotiate on two fronts when peace requires painful concessions.''

Out talk concluded with Prime Minister Sharon noting that the immediate threat to stability in the region

remained Tehran, and that only the United States could lead the anti-terror struggle in the free world.

After our meeting with Sharon, we flew to Cairo, Egypt and at approximately 6 p.m., had a meeting with Dr. Osama el-Baz, advisor to President Mubarak. Dr. el-Baz and I talked at some length about the current situation in the Middle-East, the U.S. role, and about my meeting with Chairman Arafat later that evening. During that meeting, some issues arose as to U.S. intelligence questions, so I called CIA Director George Tenant in Washington to get the current status report.

Dr. el-Baz arranged a boat ride and dinner for us on the Nile river where we met with a variety of Cairo's leading citizens including journalists, professionals, businessmen and industrialists. I was questioned about why the U.S. continued to support Israel when Israel has responded with disproportionate force to the actions of the Palestinians. I responded that the U.S. was trying to carry out the Camp David Accords in which their great President Anwar Sadat had invested so much time and effort, and that Israel had agreed to discuss peace once the violence had stopped.

Shortly before 10:30 p.m., we arrived at Chairman Arafat's guest house. After meeting quite a number of his colleagues Dr. el-Baz, Chairman Arafat and Arafat's chief deputy, Saeb Erakat and I went upstairs to a private room so we could have, as Osama el-Baz said, a tete-e'-tete. Arafat and Erakat were visibly disturbed about the status of the violence between Israel and the Palestinian Authority. They were especially distressed because, as they told us immediately upon our arrival, Israel was taking forceful military action against Gaza as we spoke.

During the course of our discussion which lasted more than an hour, we were interrupted six or eight times by Arafat's men who came in and handed Arafat written messages. Arafat spoke in Arabic which was interpreted by Erakat on detailing the action being taken by Israeli military with helicopters and missiles.

Arafat and Erakat described the situation as very serious recounting the number of Arabs who had been killed and wounded and then reciting the number of Israeli casualties which showed a much larger number of Arab casualties. Erakat was especially feverent in pleading for some help as to a way to break the impasse.

After a considerable discussion, I said that I would venture a possible approach which was not a recommendation because I thought that would not be appropriate. I then said that one approach might be for Arafat to make a public statement that the cycle of violence was untenable, and that while he would much prefer to have a joint statement made by Sharon and himself with a schedule on a comprehensive approach, he would make a unilateral statement directing all Palestinians to stop any acts of violence. I said to Arafat that the instruction to stop any acts of violence would be in accordance with his famous letter of September 9, 1993 which was the inducement for Prime Minister Rabin and Peres to meet with Arafat at the White House on September 13, 1993. In that letter Arafat renounced the use of violence and said he would take disciplinary action against any of his people who violated his direction.

Arafat then said that he had said all the things that I had mentioned. Erakat then said that not only had Arafat made these statements in a speech at the Arab summit, but that Shimon Peres had asked Arafat to make these statements from his own lips, and that Arafat had done so.

Dr. Osama el-Baz and I both stated that we had not heard any such statement. If any such statement was ever made, it was doubtless in a long speech and was followed or preceded by many conditions.

I told Arafat that there was considerable anti-Palestinian Authority sentiment in the Congress with some 87 members of the Senate and over 200 members of the House writing a letter urging action that the Palestinian Authority be ousted from its Washington office.

At one point I asked Arafat why he had not accepted the very generous offer from Barak on territorial concessions on the West Bank and significant concessions on Jerusalem. Arafat replied that he had accepted that offer on a number of occasions including his meeting with President Clinton at the White House. Again, Arafat's statement did not comport with the facts since he had imposed so many conditions.

I said that my staff and I had met with Prime Minister Sharon earlier that day and that Sharon had said, among other things, that peace was more painful than war because in peace you had to make concessions. I thought from that, it was apparent that Sharon was interested in peace talks.

Erakat commented that he had expected a call from an Israeli contact. I told Erakat that I would call the contact which I did the next day. When I telephoned Erakat later in the day, he confirmed that the Israeli contact had called him.

I further told Arafat that Sharon had told me earlier in the day that he was prepared to allow Palestinians to come into Israel for work providing there was no security risks. Sharon had specified that he was not doing this in exchange for anything from the Palestinian Authority because he did not want it viewed that Israel was making concession or buying peace in any way.

I asked Arafat if there was any substance to the contention that the Palestinians had been firing out of Gaza into Israel. Arafat replied that he did have a report of three such mortar shots; but that as soon as Arafat found out about it, he had ordered it stopped with the people doing the shooting to be arrested. In the course of the next several days there was repeated mortar shelling into Israel by Palestinians. Contrary to Arafat's assertions, our intelligence sources advised he had authorized the shelling.

From Cairo, we departed for Beirut by way of Damascus. Climbing up the mountains on the way to Beirut, we passed the location of the Syrian Radar site that Israeli forces destroyed in a raid just a few days earlier. The U.S. Embassy compound in Beirut is the most heavily fortified embassy in the world. Standing in the middle of the compound, as a stark reminder, are the remains of the prior Embassy that was destroyed by a bomb.

While remaining in the compound overnight, we received an in depth briefing on the current situation in Beirut and Lebanon, with insight provided by Ambassador David Satterfield, and his Deputy Chief of Mission David Hale. As Ambassador Satterfield pointed out, Lebanon was very badly divided because of its charter (its form of a constitution) which divided authority between three Lebanese factions. He commented about how Beirut had the potential to regain its status as ''Paris of the Mid-East,'' but that there would have to be major economic reforms. He also commented that the Prime Minister Rafik Hariri had been discussing with the World Bank and International Monetary Fund about ways to get financing which could lead to a revitalization of Beirut. Satterfield also noted that Hezbollah was a very strong force in Southern Lebanon, with only a few hundred fighters.

Beirut still shows the scars of its savage civil war with its once beautiful hotels reduced to shells. There is a rebuilding effort, however, and its central business district has been rebuilt to some extent.

We drove back from Beirut to Damascus. Ambassador Ryan Crocker hosted a dinner for visiting Assistant Secretary of State for Near Eastern Affairs Edward Walker and our party. We had a wide ranging conversation about the current state of affairs in the Mid-East. I reported on our trip to Beirut, which Ambassador Ryan noted with some interest as he was the Ambassador to Beirut when our embassy was last bombed.

The next morning we met with Syrian Foreign Minister Faruq al-Shara and Deputy Foreign Minister Walid al-Mu'allim. At the start of our meeting we discussed my last visit to Syria, which was for President Assad's funeral. I told FM al-Shara that my fellow Senators were very interested in Syria, and then mentioned that I had just been to see Chairman Arafat in Egypt. I discussed my recent travels in the area, and related that everyone would like the violence to stop. The Foreign Minister asked me what Israel was seeking, and I told him of my discussions with Prime Minister Sharon,

who stated that he is determined to avoid Israeli loss of life and will act accordingly. I also told him that the Israelis intended to ease up on the borders as long as there were no threats to security; the Israeli government position was that all the violence must stop prior to any talks taking place. I then encouraged him to talk to the Israelis.

Foreign Minister Shara said I had persuaded Syria, or perhaps, more accurately been a factor, to enter into negotiations with Israel in my numerous discussions with former President Hafaz El-Assad during the 1980's and 1990's. I had first visited Damascus in 1984 and had met with President Assad almost every year from 1988 to 1998. Minister Shara stated that only after beginning discussions with the Israelis did it become apparent that they didn't want peace. I reminded him that both sides came very close on the Golan and that a dialogue must continue.

Our attention then turned to Iraq, China and recent American politics as well as efforts to exchange Parliamentarians with Iran.

We left Damascus and flew into Souda Bay, Crete, which houses the U.S. Naval Support Activity Souda Bay, and Fleet Air Reconnaissance Squadron Two, VQ–2, a unit responsible for reconnaissance missions for the Mediterranean, and which is the counterpart to the unit that was involved in the recent mishap with a Chinese pilot in international waters off the coast of China.

I was met by Captain Steve Hoefel, the Base Commanding Officer and was set up in quarters for the night. That night, Rear Admiral Steve Tomaszeski, the Commander of the Mediterranean Air Fleet, flew in for a brief to be held the next morning.

On Friday, April 20, we received a classified brief on the mission of the base and its reconnaissance aircraft. The base's main responsibility is to support and resupply the forward-deployed Navy and Marine Corps forces. It has the largest fuel storage facility, largest ammo storage facility and the deepest port in the Mediterranean, and is strategically located near the Mid-East.

We toured the base, and the port facility located nearby. A large amount of construction was occurring on the dock with the installation of new facilities designed to give sailors and Marines all the amenities of home when they dock. I was pleased to find two Pennsylvanians among the many Navy Construction Battalion sailors working on the structures.

We also had the opportunity to tour an EP–3 aircraft similar to that which remains in China, and were briefed on the various station's responsibilities during flight operations, as well as talk to several of the crew members. We also had the opportunity to see an E3 AWACS on the runway.

From Crete we flew to Rome where we received a brief by the Charge d'Affairs William Pope, and Margaret Dean, Minister-Counselor for Economic Affairs. We discussed the effect of the European Union on NATO, reviewed the current areas of work for the embassy, and the effect of the strong U.S. dollar on tourism. In addition, I briefed them on parts of my visit to Florence including our meeting with the attorneys for Ferragamo, and our visit to the Georgetown campus.

Margaret Dean was familiar with the case that the Ferragamo attorneys had told us about in which a person purchased counterfeit goods at such a low price that the judiciary reasoned the purchaser could not have believed the goods to be authentic, and therefore found no fraud in the sale. She stated that often, because of that case, sellers of counterfeit goods often go so far to label the goods as ''fake'' to avoid prosecution.

The Embassy reported that it doesn't have any one overriding area that it concentrates on. It has several areas of concentration which include tourism, trade disputes, military issues, and the Mid-East situation. Charge d'Affairs Pope reported that Italy had changed a lot and had become a fairly different place in the last decade. He reported a recent high-tech emphasis that has helped propel the country's economy to the 6th largest in the world. The country has also benefitted from the increase in tourism generated by the strong American dollar.

On April 21, we flew from Rome to Philadelphia.

I yield the floor.

IN APPRECIATION OF ALYCE AND JACK BERGGREN

Mr. DASCHLE. Mr. President, I appreciate the opportunity today to honor two very special people from my hometown of Aberdeen, SD. Alyce and Jack Berggren have contributed tirelessly to the arts of South Dakota, and I am blessed to call Alyce and Jack my long-time friends.

Alyce Bedrosian grew up in Chicago in an Armenian family. After earning a masters degree in piano from Northwestern University, she was hired by Northern State Teachers College in 1947. Though she carried a return train ticket from her concerned father, Alyce decided to remain in South Dakota. She never used the ticket.

Jack Berggren's boyhood was spent a world away in Scottsbluff, a small town in western Nebraska. He studied voice at Hastings College in Hastings, NE, and came to Northern State University in Aberdeen in 1949. There, he met Alyce, and they began performing together. In Jack's own words, he married his ''accompanist'' in 1950.

For almost half a century, the Berggrens have touched the lives of countless NSU students and music lovers of the northern plains. ''Dr. B.,'' as his students affectionately call him, taught voice, directed choirs and served as the NSU Dean of Fine Arts. His annual Messiah performances rekindle fond memories among many Aberdonians. Alyce continues to define excellence in piano performance and teaching, regularly accompanying students to this day.

Over two decades ago, friends, faculty, alumni and students surprised the Berggrens with a musical thank you. In 1978, to honor both Jack and Alyce, their community sponsored ''The Gala Concert for the benefit of the Northern State College Music Department.'' In addition to NSU music students and faculty, the concert included the Aberdeen Barbershop Chorus and the Elks Chorus.

Gala II was held in 1989, and this year, May 5, marks the third Gala concert. I am pleased to know that the Johnson Fine Arts Center will once again display the talents of those touched by the Berggrens. I only regret that I cannot be there in person to enjoy the event and the company of Jack and Alyce. Instead, I hope this statement will serve as my small contribution and a symbol of immense gratitude to Jack and Alyce for their contributions to the musical arts in South Dakota.

TRIBUTE TO KATHRYN COLE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to express my gratitude to a very special person in South Dakota who has dedicated many years to the Northern Black Hills' Retired Seniors Volunteer Program.

Today, the directors and volunteers of this RSVP program will gather at their annual recognition banquet to celebrate the dedication and hard work of Kathryn Cole, who is retiring from this RSVP community after 21 years of service. In fact, for 20 of those years, Kathryn served as the director of this important program.

The generous gift of Kathryn Cole's time and experience has benefitted those around her in countless ways, and I truly applaud her ''can-do'' spirit, her determination, and her dedication to the betterment of the communities of the Northern Black Hills area. From Spearfish to Belle Fouche to Lead, Kathryn has sent hundreds of volunteers to serve and support local communities. With her warm spirit, she has always made a special effort to ensure that volunteers have the opportunity to participate in the activities that both interest and inspire them. From tutoring at local schools to delivering Meals on Wheels to offering services to the High Plains Heritage Museum and the Mathews Opera House, Kathryn has made an immeasurable contribution to the Northern Black Hills.

There is a special feeling of satisfaction that comes only from volunteering. Through her tremendous leadership, Kathryn Cole has helped seniors experience that satisfaction with service to their communities. I know my

colleagues will join me in honoring her dedication to improving the quality of life for area residents. We all owe an enormous debt of gratitude to Kathryn for such an invaluable contribution to the Northern Black Hills and the entire State of South Dakota. We wish her well as she begins her well-deserved retirement.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

Mr. DOMENICI. Mr. President, today I want to take a moment to share some thoughts on the Brownfields Revitalization and Environmental Restoration Act. I believe that this act is important and can do positive things in communities across America.

Laws related to brownfields were the result of a much broader Act, which we commonly refer to as Superfund. Superfund was intended to bring about the clean up of some of the most contaminated sites in our nation. As Superfund has been implemented in our society we have found that it is often too cumbersome to bring about clean up and restoration of many brownfield sites. When we talk about brownfields we are not talking about the most contaminated sites in our communities, but about sites that are less contaminated and could realistically be bought, cleaned up, and developed thus bringing economic and other benefits to American citizens. Therefore, I share the thoughts of many of my colleagues and support removing the barriers to brownfields redevelopment.

When the average person wishes to invest in something such as an abandoned gas station, they are often discouraged from doing so for fear of the strict liabilities that could be imposed on them by Superfund. Attempting to relax the daunting liability provisions for those willing to buy brownfields sites for the purpose of cleaning and upgrading them is a huge step in the right direction.

I believe that enactment of this brownfields legislation, will provide a significant foundation for rebuilding many of our communities. Many of these sites are located in downtown areas and often serve as the breeding grounds for crime, drug trafficking and contamination. I am hopeful that passing this legislation will help restore downtown communities making them once again attractive to business, industry and prospective residents.

Many of us have watched these downtown areas slowly die. I know that in Albuquerque, NM, the largest city in the State, we have seen a huge shift away from the downtown area. Local businesses that once thrived were forced to close and slowly, what was once the metropolis of Albuquerque, began to seem like a ghost town.

I support this legislation because of the potential it brings to restoring places like downtown Albuquerque. As I briefly touched on, some of the most important benefits of the bill are its liability and finality provisions. The bill specifies that prospective purchasers, innocent landowners, and contiguous property owners, who exercise due diligence in purchases, are not responsible for paying cleanup costs. The stringent liability scheme under Superfund hinders those who want to invest in these sites for fear of liability. These barriers are unnecessary and do not foster development and growth in our inner cities. Additionally, the bill precludes EPA from taking action on a site that a State has already placed in a cleanup program, unless there is an imminent and substantial endangerment to the environment or public health, and some additional work must be completed.

Finally, the bill authorizes $150 million per year to help State and local governments perform assessments and cleanup at brownfields sites. Further, $50 million per year is also authorized to establish and enhance brownfields programs, more than double the current level of funds available through the current EPA program.

Pumping federal tax dollars back into localities and fostering partnerships with States and their local communities can help rid our communities of the negatives such as crime and contamination while rejuvenating downtown economies.

Economics and Environmental health are not mutually exclusive. This bill would allow these types of areas to be cleaned up, thus providing both economic and environmental benefits. It is a win-win for everyone—cities and citizens alike.

I am hopeful that New Mexico, as well as many other communities across the nation, will see great benefits as a result of this legislation. I hope that we are successful at reviving the ghost towns that currently exist in many downtown areas and that they will once again come alive with prosperity.

CRIME VICTIMS' ASSISTANCE ACT OF 2001

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and to be notified of important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, this is why my colleagues and I are re-introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill defines the rights of victims and establishes an effective means to implement and enforce these rights. Equally important, it does so without taking the drastic, unnecessary, and time-consuming step of amending the Constitution.

Our bill provides enhanced protections to victims of both violent and non-violent federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and consulted on detention and plea agreements; the right to be heard at sentencing; the right to be notified of the escape or release of a criminal from prison or a grant of executive clemency; and the right to a speedy trial and prompt disposition, free from unreasonable delay.

The rights established by this bill will fill existing gaps in federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment. Our bill achieves these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of federal funds to establish effective pilot programs to promote victim-rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based justice programs relating to those rights. Finally, it creates and funds additional personnel in federal law enforcement agencies to assist victims in obtaining their rights. These initiatives will provide victims with the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible.

There is no need to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The framers deliberately made the Constitution difficult to amend, because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary *not* to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH or Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. 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.

Today, I would like to detail a heinous crime that occurred Nov. 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore and called the victim a ''fag.'' The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.

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

NUANCE MATTERS, GETTING TAIWAN POLICY RIGHT

Mr. BIDEN. Mr. President, as we were reminded yesterday, words matter in diplomacy. Wednesday morning, the President of the United States appeared on national television in an interview taped Tuesday night with Charles Gibson of ABC News. In that interview, the President was asked if the United States had an obligation to defend Taiwan if it was attacked by China.

President Bush replied, ''Yes, we do, and the Chinese must understand that. Yes, I would.''

The interviewer pressed further, asking, ''With the full force of the American military?''

President Bush replied, ''Whatever it took to help Taiwan defend itself.'' He did not elaborate at that time.

A few hours later, the President appeared to back off this startling new commitment, stressing in an interview on CNN that the United States would continue to abide by the Taiwan Relations Act and the One China policy followed by each of the past five Presidential Administrations.

I want to make clear that I believe the security of Taiwan to be a vital interest of the United States.

Senator HELMS and I are among a handful of current members of the U.S. Senate who were around to vote for the Taiwan Relations Act when it was introduced 22 years ago.

And I remain as committed today as I was then to the peaceful resolution of the Taiwan question.

And because of my strong support for Taiwan, I was inclined to believe that the President had made an honest, and mostly harmless, mistake yesterday, especially when the State Department issued a clarification stressing that U.S. policy remained unchanged. State Department spokesman Phil Reeker said, ''Our policy hasn't changed today, it didn't change yesterday, and it didn't change last year, it hasn't changed in terms of what we have followed since 1979 with the passage of the Taiwan Relations Act.''

But by the end of the day, senior national security officials at the White House were singing a different tune, insisting that the President meant what he said in the morning interview.

The President's National Security Adviser claimed that, ''the Taiwan Relations act makes very clear that the U.S. has an obligation that Taiwan's peaceful way of life is not upset by force.'' And a White House Aide said, ''Nothing in the act precludes the President from saying that the U.S. would do whatever it took to help Taiwan defend herself.''

As my colleagues may know, the Taiwan Relations Act obligates the United States to provide Taiwan ''with such defense articles and defense services . . . as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

It also states that any attempt to determine the future of Taiwan by other than peaceful means would constitute a ''threat to the peace and security of the Western Pacific area'' and would be, ''of grave concern to the United States.''

Finally, it mandates that in the event of, ''any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom, the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.''

Contrary to the President's statement to Charles Gibson, the United States is not obligated to defend Taiwan, ''With the full force of the American military,'' and hasn't been since we abrogated the 1954 Mutual Defense Treaty signed by President Eisenhower and ratified by the United States Senate.

And contrary to the White House spokesman's comments, the President does not have the authority unilaterally to commit U.S. forces to the defense of Taiwan. Under the Constitution, as well as the provisions of the Taiwan Relations Act, that is a matter which the President must bring to the American people and to the Congress of the United States.

During the campaign, President Bush implicity criticized the policy of ''strategic ambiguity'' which has governed the use of American forces to defend Taiwan in the event of a conflict with China for more than 20 years since the United States abrogated the 1954 Mutual Defense Treaty with Taiwan and normalized diplomatic relations with China.

The point of that policy, which I support, was to retain the right to use force to defend Taiwan, while reserving to the United States all the decision-making authority about the circumstances in which we might, or might not, commit U.S. forces.

Otherwise, the United States might find itself dragged into a conflict between China and Taiwan even in the event of a unilateral Taiwanese declaration of independence, something the President said yesterday he would not support.

This policy of strategic ambiguity was consistent with our One China policy and also with our desire that the Taiwan question be resolved only through peaceful means.

Well, today I guess we have a new policy, and I am calling it the policy of ''ambiguous strategic ambiguity.''

What worries me is not just what the President said, but the utter disregard for the role of Congress and the vital interest of our key Pacific Allies, specifically Japan.

Perhaps the President is unaware that without using U.S. bases in Japan, we would be hard-pressed to make good on his commitment to use U.S. forces to defend Taiwan in the event of a conflict with China.

Perhaps he is unaware of how sensitive an issue this is for the Japanese government, which has taken great pains to avoid explicitly extending the U.S.-Japan Security Alliance to a Taiwan contingency.

I was quick to praise the President's deft handling of the dispute with China over the fate of the downed U.S. surveillance aircraft.

But in this case, as in his rocky summit meeting with South Korean President Kim Daejung, the President has damaged U.S. credibility with our allies and sewn confusion throughout the Pacific Rim.

Words matter. Nuance matters.

Other events, the challenge of engaging North Korea, the emergence of a reformist prime minister in Japan, and the threat of political instability in Indonesia, will surely test America's resolve and diplomatic agility in the Pacific during the months ahead.

WORLD INTELLECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of ''World Intellectual Property Day.''

Last fall, the World Intellectual Property Organization dedicated April 26th as ''World Intellectual Property Day'' with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

Intellectual property, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers' many accomplishments were the express intellectual property protections of Article 1, Section 8 of our Constitution. This section is so seemingly simple, ''to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries'', but it has done more to shape our Nation's economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions

ranging from Farnsworth's cathode ray tube to the airplane to life-saving pharmaceuticals. The value of our patent system was perhaps best summarized by President Abraham Lincoln, himself a patent holder, when he noted that it ''adds the fuel of interest to the spark of genius.''

We also are world leaders in copyrighted works. Books, movies, music, and other examples of American creativity entertain and enlighten the world, and make a generous contribution to our balance of trade.

Our country's technological prowess and our high standard of living stem from the creativity, determination, and entrepreneurial drive of our citizens and the protection we provide for their creations. So, today, as nations around the world mark ''World Intellectual Property Day,'' let us take pride in the fact that our intellectual property system is recognized as the most effective in the world. As we look to the future, let us also pledge ourselves to ensuring that the United States remains the world's pre-eminent provider and protector of intellectual property.

CHRONIC INFECTIOUS CHILDHOOD DISEASES

Mr. JEFFORDS. Mr President, I rise today to bring attention to the single most common chronic infectious childhood disease, namely dental decay. In fact, it is five times more common than asthma and seven times more common than hay fever. Young children with severe decay, affecting multiple teeth, may need to be treated in a hospital under general anesthesia. This level of treatment is unnecessarily costly. An estimated $100 million each year is spent for operating room charges associated with treating severe decay in very young children.

One of the most cost effective ways to reduce the burden of tooth decay, before it starts, is community water fluoridation. Since 1945, water fluoridation has been the cornerstone of the nation's oral health, by safely, inexpensively and effectively preventing tooth decay regardless of an individuals' socioeconomic status or ability to obtain dental care. Today, close to 144 million Americans receive this benefit through fluoridated water. Unfortunately, more than 100 million others do not.

This is especially disturbing, because water fluoridation remains the most equitable and cost-effective method of delivering fluoride. The average lifetime cost of fluoridation per person is less than the approximate cost of one dental filling.

In my home State of Vermont, three communities with over 7,000 residents, do not benefit from community water fluoridation. According to the Vermont Department of Health, high school students in one of these communities have the worse dental health in the State, by a significant margin. Because of the high disease rate in these three communities, they have responded by developing dental clinics to serve low-income residents. Although we applaud these communities for responding accordingly, the old adage holds true here, an ounce of prevention is worth a pound of cure.

Dental sealants have also proven to be an effective method of preventing tooth decay. Studies have shown that sealants can reduce tooth decay by over 70 percent. Despite the proven effectiveness of this method, only three percent of low-income children have had sealants applied to their teeth.

The inequities in oral health care are especially apparent in Medicaid patients. In 1993, only 1 in 5 children and adolescents covered by Medicaid received preventive dental service such as application of fluoride or sealants. Alarmed by these statistics, Senator RUSS FEINGOLD and I, along with 26 of our colleagues, wrote to the Health Care Financing Administration asking that they explore what Medicaid could do to improve access to comprehensive dental services for underserved children.

Oral health is a key determinate of overall health. It is essential that we continue to pursue these low-cost and effective measures to ensure that all children in this country, regardless of income and geography, are free of dental disease.

TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS

Mr. CONRAD. Mr. President, I would like to engage the Chair of the HELP Committee in a colloquy regarding eligibility for Section 117 of the Carl Perkins Vocational and Applied Technology Education Act. Section 117 authorizes funding for Tribally Controlled Postsecondary Vocational and Technical Institutions. The funds have been awarded annually to the two existing tribally controlled postsecondary vocational institutions that are devoted to providing vocational and technical education, United Tribes Technical College and Crownpoint Institute of Technology. Historically, these two institutions have not received assistance under the Tribally Controlled College and University Assistance Act, so the Perkins funds are key to their existence.

On March 28, 2001, the Department of Education issued a Request for Proposals, RFP for funding under Section 117 that would open up funding for this program to the tribal colleges. The Department is operating under the mistaken view that the 1998 Perkins Amendments changed the previous Perkins law with regard to eligibility for these funds. In fact, it was not the intent of Congress to in any way alter eligibility for Section 117 funding when it enacted the 1998 Perkins Amendments. The members of the North Dakota and New Mexico delegations disagree with the Department and have written to Secretary Paige stating our view that the 1998 Perkins amendments did not change the eligibility for what is now the Section 117 program. Do the Chairman and Ranking Member of the HELP Committee agree with our view?

Mr. JEFFORDS. Yes, I agree with the view of the North Dakota and New Mexico delegations. The 1998 amendments to the Perkins Act made no substantive changes to the Tribally Controlled Postsecondary Vocational Institutions section of the law concerning eligibility. The section that authorizes the grants retained the purpose of providing assistance solely to institutions whose focus is vocational and technical education.

Mr. DOMENICI. The Crownpoint Institute of Technology and United Tribes Technical College depend on Perkins funding for their core operational funds, and the Department should not make radical changes in eligibility simply by issuing a new grant announcement. The 1992 regulations for the Tribally Controlled Postsecondary Vocational Institutions Program state, at 34 CFR 440.5, that tribal colleges are not eligible for these funds. The regulations have not been changed. Would the Ranking Member of the HELP Committee comment on this?

Mr. KENNEDY. The senior Senator from New Mexico is correct. The 1992 regulations have not been changed, nor has there been a need to change them because the 1998 Perkins Amendments made no changes concerning which institutions are eligible for the Tribally Controlled Postsecondary Vocational Institutions funding.

Mr. DORGAN. I would like to inquire of the junior Senator from New Mexico and a member of the HELP Committee, what difference, if any, was made in the eligibility for the Tribally Controlled Postsecondary Vocational Institutions funding in 1998?

Mr. BINGAMAN. No change was made. We included a parenthetical reference to the definition of ''institution of higher education,'' this has no practical effect as both the 1990 and 1998 Perkins laws require that a grant recipient be an institution of higher education. The Department should continue providing grants for Section 117 under the current regulations unless and until new regulations are issued pursuant to the Administrative Procedures Act. Crownpoint Institute of Technology and United Tribes Technical College were intended to be the only beneficiaries of this section.

Mr. DORGAN. Thank you. I would like to include for the RECORD a copy of the letter from the North Dakota and New Mexico delegations to Secretary Paige on this matter. I would also like included in the RECORD a letter from Dr. Jim Shanley, President of the American Indian Higher Education Consortium, objecting to the Department's RFP that would open up the Section 117 program to the tribal colleges. Dr. Shanley notes that such an

action would likely result in the closing of the doors of the tribally controlled postsecondary vocational institutions.

The letters follow:

WASHINGTON, DC,
March 27, 2001.

Hon. ROD PAIGE,
Secretary of Education, U.S. Department of Education, Washington, DC.

DEAR SECRETARY PAIGE: We write to express serious concerns about the process used by the Department of Education in issuing the March 23, 2001, Federal Register grant announcement for Section 117 of the Carl Perkins Vocational and Technical Education Act. Section 117 is specific to tribally controlled postsecondary vocational institutions, of which there are two: United Tribes Technical College (UTTC) and Crowpoint Institute of Technology (CIT).

We understand that the March 23 notice has been withdrawn for technical reasons but that the Department intends to reissue the notice shortly. The March 23 notice makes drastic changes in Section 117 eligibility and uses of funds that are inconsistent with the existing program regulations in 34 CFR Part 410. The eligible applicant pool would be expanded to include tribally-controlled community colleges for the first time and the uses of the funds would be restricted.

If put into place, these changes could result in closure of the two institutions that have depended on this funding for their core operations. The Perkins funds support the ongoing operations of UTTC and CIT, just as funding under the Tribally Controlled Colleges and Universities Act supports the ongoing operations of tribal colleges. We ask that you not reissue the notice regarding Section 117 but rather engage in a formal rulemaking process. Pending that, the FY 2001 Perkins funds should be issued under the current regulations.

We view the March 23 notice as an end-run around the regulatory process; it is, in effect, a set of new regulations without the benefit of any formal process or consultation with the affected parties. The 1998 amendments to the Perkins Act were signed into law on October 31, 1998—almost two-and-a-half years ago—and no regulations have been issued. Now the Department asserts that the 1998 amendments ''substantially revised'' the tribally controlled postsecondary institutions program and wants to waive the regulatory process on the grounds that there is no time to issue regulations if the awards under Section 117 are to be made in a timely manner. This is disingenuous and certainly not in keeping with the federal government's policy of working with tribes on a government-to-government basis, including consultation with tribes and tribal organizations on policy matters that will affect them.

Again, we urge you to direct that the March 23 grant announcement not be reissued but rather use the existing regulations for Tribally Controlled Postsecondary Vocational Institutions for this grant period. If the Department feels that new regulations are warranted for the 1998 Perkins Act Amendments, such regulations should be issued through the Administrative Procedures Act in consultation with the affected tribal parties.

We appreciate your attention to this important matter.

Sincerely,

KENT CONRAD,
PETE DOMENICI,
BYRON L. DORGAN,
JEFF BINGAMAN,
U.S. Senate.
EARL POMEROY,
TOM UDALL,
U.S. House of Representatives.

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, March 27, 2001.

Mr. ROBERT MULLER,
Deputy Assistant Secretary (Acting), Office of Vocational and Adult Education, Department of Education, Washington, DC.

DEAR MR. MULLER: On behalf of the 32 Tribal Colleges and Universities, I am writing to request your assistance with a serious matter involving our two tribally-controlled postsecondary vocational institutions, United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT). It has come to my attention that your office is about to publish a solicitation opening up eligibility requirements for Title I, Sec. 117; therefore, significantly changing the intent of the program. It is of great concern that no consultation has been done with our institutions on this matter. To make this change would seriously jeopardize the funding for UTTC and CIT's core operations and force their closure.

Because of the immense ramifications of this action, we strongly urge you to hold the solicitation to be published March 28, 2002. We also request that appropriate consultation occur with AIHEC, UTTC, and CIT as soon as possible so that this matter can be resolved constructively and expeditiously.

It is important to note the value of these two institutions and their historic role in providing vocational education opportunities to American Indian students. UTTC and CIT were founded because of limited access to opportunities in vocational education in serving their respective tribal communities. However, because these two institutions are vocational in nature and did not meet the eligibility requirements of the Tribally Controlled College Assistance Act for core operational support, Sec. 117 was created by AIHEC's advocacy efforts on their behalf.

Thank you for your immediate attention and consideration. We look forward to your response. I can be reached at [redacted]/cell or [redacted] until March 29th.

Respectively,

DR. JAMES SHANLEY,
President.

GUN SHOW BACKGROUND CHECK ACT

Mr. LEVIN. Mr. President, this week I joined Senator REED and a number of my colleagues in introducing the Gun Show Background Check Act, which would close the gun show loophole. If enacted, prospective buyers at gun shows would be required to undergo Brady background checks to ensure that they are not felons, fugitives, domestic abusers, or other persons prohibited from purchasing firearms.

It is incredible to me that more than two years after Columbine, lawmakers have not yet acted to reduce the availability of guns to criminals and other prohibited persons by closing this loophole in our federal firearm laws. Just a few days ago, America memorialized the worst school shooting in our nation's history. On April 20, two years ago, Eric Harris and Dylan Klebold brought terror to Columbine High School. Of the four guns used by the two Columbine shooters, three were acquired at a gun show. The teenage shooters took full advantage of the gun show loophole, which allowed their friend, Robyn Anderson, to buy them two rifles and a shotgun without ever submitting to a background check. Later, Robyn Anderson testified about her experience to the Colorado Legislature. She said:

> While we were walking around [at the gun show], Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.
>
> I was not asked any questions at all. There was no background check . . . I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all.
>
> I wish a law requiring background checks had been in effect at the time . . . It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

Of all the testimony that came out of Columbine, Robyn Anderson's is among the most memorable. The citizens of Colorado and Oregon, States with high rates of gun ownership, reacted by supporting referenda to close the gun show loopholes in their States. Now, Congress should do the same and enact legislation to close the gun show loophole nationwide.

CAMPAIGN FINANCE

Mr. BIDEN. Mr. President, I rise to call my colleagues' attention to an article by the distinguished First Amendment scholar, Ronald Dworkin, ''Free Speech And The Dimensions Of Democracy.'' The article appears in If Buckley Fell: A First Amendment Blueprint for Regulating Money in Politics, sponsored by the Brennan Center for Justice at New York University's School of Law.

Professor Dworkin's work illustrates a point some of us made during the recent debate on campaign finance reform: the shocking state of our current political life is a perversion of the public discourse envisioned by the Founding Fathers, a perversion directly rooted in the mistaken understanding of the First Amendment underlying the Supreme Court's decision in *Buckley* v. *Valeo*, 424 U.S. 1 (1976).

As Professor Dworkin puts it, ''[o]ur politics are a disgrace and money is the root of the problem.''

There is no need to detail the disgraceful state of our political life brought about by politicians' need to chase dollars. Members of this body, myself included, described the current state of affairs in all its painful and embarrassing detail during the recently concluded debate on campaign finance reform.

Professor Dworkin's article makes explicit what many of us have argued in supporting Senator HOLLINGS' proposal to amend the Constitution so that reasonable limits can be placed on campaign expenditures: Senator HOLLINGS' Amendment is not an affront to the First Amendment, as some have

portrayed it; it is an affront to Buckley, which was wrongly decided. Senator HOLLINGS' Amendment is restorative: it returns First Amendment jurisprudence to what it was before the ill-conceived Buckley decision.

In holding that limitations on campaign expenditures violate the First Amendment, Buckley mistakenly equates money and speech. But, as Justice Stevens pointed out recently in *Nixon* v. *Shrink Missouri Government PAC*, 528 U.S. 377 (2000), money is not speech; money is property.

Professor Dworkin's article shows that the mistaken factual premise in Buckley is rooted in a fundamental misconception of First Amendment jurisprudence. Senator HOLLINGS' effort to make clear that reasonable limits can be imposed constitutionally on campaign expenditures would restore that jurisprudence by overturning Buckley.

The First Amendment and most of the important decisions interpreting it presuppose a democracy in which citizens are politically equal, not only as judges of the political process through voting, but also as participants in that process through informed political discourse. Reasonable regulations on campaign expenditures would enhance speech and contribute to a more rational political discourse. Professor Dworkin illustrates this point through a historical and philosophical analysis of First Amendment precedent and the threat that unrestricted campaign expenditures pose to the values underlying the First Amendment. Treating money as speech debases genuine democratic dialogue.

Justice Brandeis made this point in another way in his justly famous dissent in *Whitney* v. *California*, 274 U.S. 357, 375 (1927):

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty; . . . [They believed] that the greatest menace to freedom is an inert people; that public discourse is a political duty; and that this should be a fundamental principle of the American government.

The damage that unrestricted campaign expenditures has done to our public discourse is clear. If money is speech, then inevitably one will need money, and large amounts of it, to speak politically. The result, in Professor Dworkin's words, is that our last two presidential campaigns were ''as much a parody of democracy as democracy itself.''

I will not repeat Professor Dworkin's analysis of the legal precedents interpreting the First Amendment and Buckley's distortion of them, except to point to the oddity that Buckley at times recognizes the constitutional jurisprudence it undermines. It does so in holding that, in contrast to campaign expenditures where any limit purportedly violates the First Amendment, Congress may constitutionally place limits on campaign contributions. The latter holding, as Professor Dworkin points out, is premised on a principle deeply rooted in First Amendment jurisprudence: reasonable restrictions on activity in the political realm, like contributing money, may be erected to protect core First Amendment values, like equality of political discourse. That is all that most proponents of campaign reform want to do, and that is all that the Hollings Amendment will do.

AMERICAN PRISONERS OF THE HOLOCAUST

Mr. HOLLINGS. Mr. President, in September of 1944, the 106th Infantry Division embarked for Europe and soon joined heavy fighting at the Battle of the Bulge. But one member of the division, the Academy Award-winning filmmaker Charles Guggenheim, was left behind in Indiana due to a minor illness. His connection with this brave group and the 350 American soldiers taken prisoner after the battle and sent to a Nazi camp in Berga, Germany led Mr. Guggenheim to undertake a new documentary, which is the subject of an excellent New York Times article by Roger Cohen. So that more Americans can be educated about the events leading up to the Holocaust and the unspeakable horrors inflicted upon Americans as well as Europeans, I ask that Mr. Cohen's article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 17, 2001]

WHERE G.I.'S WERE CONSUMED BY THE HOLOCAUST'S TERROR; A FILMMAKER HELPS THAW MEMORIES OF WARTIME GUILT

(By Roger Cohen)

BERGA, Germany. Four plain wooden crosses stand in the cemetery above this quiet town in eastern Germany. One of them is inscribed ''Unknown Allied Soldier.'' He is unlikely to be an American, because the G.I.'s who died here were exhumed after World War II and taken home. But the mystery of this soldier's identity is only one of many hanging over Berga and its former Nazi camp.

On a cold, late March day, with snow falling on the graves, a thin, soft-spoken American stands filming in the cemetery. He has hired some local volunteers, one of whom is portraying a Nazi guard, as two others turn the earth in preparation for the burial of the simulated corpses whose limp feet dangle out of sacks. The scene has an eerie luminosity in the silence of the snow.

The weather is cinematographically perfect. It is also unseasonably cold and infernally damp. The American, Charles Guggenheim, shivers as he says: ''This is a slow business, filming something like this. Sort of like watching grass grow.''

But for him the fate of the American soldiers imprisoned and worked to death more than a half-century ago in Berga has become something of an obsession.

Time may be needed for an obsession to take hold, time for the half-thoughts, nagging regrets and suppressed memories to coalesce into a determination to act. Mr. Guggenheim, a documentary filmmaker who has won four Academy Awards, waited a long time to embark on this movie. His daughter, Grace Guggenheim, has a theory as to why. ''This is sort of a survivor's guilt story,'' she said.

In September 1944 Mr. Guggenheim, now 77, was with the American 106th Infantry Division, preparing to go to Europe. But when the other soldiers embarked, he was immobilized with a foot infection. He remained in Indiana while his fellow infantrymen were plunged, within weeks, into the Battle of the Bulge; two regiments were lost. Thousands of American soldiers were captured, and several hundred who were Jewish or who ''looked'' Jewish ended up in Berga. Up to now their fate has received relatively little attention, partly because the surviving soldiers long tended to repress the trauma.

''I could have been among the captured or the killed,'' Mr. Guggenheim mused. ''I never wished I had come to Europe. Anyone in the infantry who wishes for war has something wrong with them. But I've thought a lot: why in the hell am I here and they not? Perhaps in the next life they'll get even. I'm trying not to believe in a next life.''

Even this life seems incredible enough when gazing at little Berga, a place outside time. It was exploited by the Nazis before being taken over by the Russians, who mined uranium in the area. In 1990 it was made part of a united Germany.

Unemployment here stands at about 24 percent, so Mr. Guggenheim had no problem finding volunteers for his film. To conjure an atmosphere of desolation was not difficult either: beside the unused red-brick textile factory of a vanished Jewish family (named Englander), stray cats wander through junkyards, watched by old men standing huddled against the cold. Germany's ghosts, its myriad secrets, are almost palpable in a place like this.

Among the onlookers near the cemetery is Sabine Knuppel, a municipal worker. She says she has photographs of the ''old days'' in Berga: a lighted swastika glowing among trees heavy with snow. None of the old people in town like to talk about those days, she says, when the Nazis set up a satellite camp to Buchenwald in the middle of town and used the slave laborers imprisoned there to dig tunnels into the rock cliffs bordering the Elster River.

All that, she continues, constitutes a ''lost world.'' But once there were perhaps 1,000 prisoners working in the tunnels, where the Nazis planned to install a factory producing synthetic fuel. But until now, nobody in the town knew there were Americans among the prisoners, Ms. Knuppel says.

After the war the Russians blew up many of the tunnels. In their vestiges bats established a vast colony now officially designated as a German nature reserve. Along the wooded banks of the Elster, a dozen entrances to the tunnels may still be seen; they are barred with steel doors.

Layer upon layer of German secrets: more tangible in a place like Berga than in the west of the country, where postwar prosperity wiped away most traces of tragedy. Mr. Guggenheim, whose award-winning documentaries include ''J. F. K. Remembered'' and an account of the civil rights movement called ''A Time for Justice,'' has been digging into the secrets for two years now. He has interviewed 40 American survivors of Berga for a documentary tentatively titled ''G.I. Holocaust.''

The film, a co-production of Mr. Guggenheim's company and WNET, the public-television station in New York, centers on what happened to a group of American soldiers captured by the Germans after the Battle of the Bulge (which began on Dec. 16, 1944) and later transported to Berga.

This group of about 350 men was selected from among the more than 2,000 American prisoners initially taken to the Stalag 9B prisoner of war camp at Bad Orb, 50 miles north of Frankfurt. Among them was William Shapiro, now a retired doctor living in Florida. A medic attached to the 28th Infantry Division, he was captured on Dec. 17, 1944, the day after the battle began.

''On arrival at the prisoner of war camp, we were interrogated,'' Dr. Shapiro said in a telephone interview. ''With a name like Shapiro, it was quite evident I was Jewish. I was then pushed into a particular barracks, mostly for Jews and other undesirables. Our job was to clean the latrines. We were guarded by the SS with dogs, rather than the Wehrmacht. I'd never even trained with a gun. I thought the Geneva Convention would protect me as a medic. At that time I knew nothing of Auschwitz or the planned extermination of European Jewry, although of course I knew of Hitler's hostility to Jews.''

In the special barracks he was eventually joined by the other 350 Americans who would go to Berga. Their identities had not been as immediately obvious. Many were selected in a grim process recalled to Mr. Guggenheim by several soldiers of his own 106th Division.

They described how prisoners were ordered to stand at attention in the parade ground. The commandant then gave the order for all Jews to step forward. ''Nobody moved,'' said Joseph Littell, one of the survivors. ''He said it again. Nobody moved. He grabbed a rifle butt and hit Hans Kasten, our leader, with a blow you couldn't believe. Hans got up. He hit him again. The commandant said he would kill 10 men every hour until the Jews were identified.''

The group of 350 was eventually assembled of some Jews who identified themselves under pressure; some soldiers, like Mr. Kasten, who volunteered; and some who were picked by the Germans as resembling Jews. Mr. Kasten, an American of German descent, suffered repeated taunts, being told that the thing worse than a Jew was a German who turns against his country. After several weeks the group was loaded into boxcars without food or water, arriving at Berga on Feb. 13, 1945.

The Nazis had a policy, ''annihilation through work,'' and these Americans learned what this meant. Housed in a barracks beside the prison camp, fed only on bread and thin soup, sleeping two to a bed in three-level bunks, deprived of water to wash, urinating and defecating into a hole in the floor, regularly beaten, the soldiers were herded out to work 12 hours a day in the dusty tunnels.

''The purpose was to kill you but to get as much of you before they killed you,'' Milton Stolon of the 106th Division told Mr. Guggenheim. Gangrene, dysentery, pneumonia, diphtheria did their work. In the space of nine weeks about 35 soldiers died.

The persecution of American prisoners at Berga has remained little-known because many of the victims, like Dr. Shapiro, chose not to speak of it for a half-century after the war. With the cold war to fight and West Germany a postwar ally, the United States government had little interest in opening its archives and inflaming conflict between Americans and Germans.

In recent years, however, the research of an Army officer, Mack O'Quinn, who investigated the events at Berga for a master's degree thesis, and a 1994 book by Mitchell Bard, ''Forgotten Victims'' (Westview Press), have thrown light on the treatment of the G.I.'s. Still, many of the soldiers said they spoke about their experiences for the first time to Mr. Guggenheim; the notion that American prisoners of war were persecuted as Jews or Jewish sympathizers has not received broad attention.

Mr. Guggenheim said it was still a shock that this happened to Americans, bringing home the realization that if the Nazis had won the war, ''they would have gotten us, too.''

A descendant of German Jews, he grapples with ambivalent feelings about the country, unable to forget what a ''civilized nation'' did to its Jews even as he is surprised by how civil postwar German society is.

He also grapples with how to find an appropriate treatment of a Holocaust movie, troubled by what he sees as the frequent trivialization of the Holocaust in film. Too often, he said, Hitler's crimes have become a ''quick fix for involvement'' and a good fix for raising money from Jewish families. Like sex and violence, the Holocaust ''demands people's attention, even if they do not feel good about it.''

His answer to the ethical dilemma is the sobriety of his research and treatment: painstaking interviews, careful reconstruction of a little-known chapter in the war, attention to detail. The scenes filmed in Berga will supplement a core of archival film, photography and interviews. ''What is most moving to me is the way the survivors have talked about themselves and about each other, often for the first time,'' he said. ''In many instances they had never talked about this before.''

Dr. Shapiro was among those who suppressed his memories. ''It took 50 years for all of us to begin to come to terms with this,'' he said. In early April 1945, with the American and Soviet armies closing in, the camp at Berga was ordered evacuated, and a death march began for hundreds of prisoners. At least another 50 Americans died in the ensuing days before advance units of the American 11th Armored Division liberated the prisoners on April 22, 1945, near Cham in southeastern Germany.

The rate of attrition—more than 70 American dead in just over two months after arrival at Berga—was among the highest for any group of G.I.'s taken prisoner in Europe. Dr. Shapiro weighed 98 pounds on his liberation; he cannot recall the last days of the forced march despite repeated efforts to do so. ''I had become a zombie,'' he said.

Time has passed, but Dr. Shapiro's voice still cracks a little as he thinks back. Periodic nightmares trouble him. ''I traveled the same road as an American prisoner of war as the Jews of Europe,'' he continued. ''I was put in a boxcar, starved, put on a death march. It was a genocidal type of approach.''

That road might also have been Mr. Guggenheim's. After the war he asked a returning member of the 106th Division about a Jewish soldier he had known and was told the man had died in a German mine. But where, how, why?

The questions lingered in his mind for more than a half-century before taking him where an infected foot prevented him from going in 1944: to a remote town in Germany where the bat-filled tunnels are now sealed and snow falls on a cemetery where an ''Allied Soldier'' lies.

TRIBAL COLLEGES AND UNIVERSITIES

Mr. CONRAD. Mr. President, I would like to engage the Senior Senator from Iowa in a colloquy about funding for the Nation's 32 tribal colleges and universities.

These schools, located in 12 States, serve more than 250 federally recognized tribes nationwide. The colleges serve students older than the traditional college age who are seeking another chance at a productive life. The vast majority of tribal college students are first-generation college students.

However, the States provide little, if any, funding to the tribal colleges and universities because the vast majority of tribal colleges are located on federal trust lands. Additionally, non-Indians account for about 20 percent of tribal college enrollments, although the States do not provide financial support for these students.

Does the Senator from Iowa agree that the Federal Government needs to play a significant role in funding these schools?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota. The Federal Government provides the core operating funds for the tribal colleges and universities. Without this funding, many of them would have to close their doors.

Mr. CONRAD. And is it the view of the Senator from Iowa that this funding has not reached the level authorized by the Tribally Controlled Colleges and Universities Assistance Act?

Mr. HARKIN. The Senator from North Dakota is correct. Although annual appropriations for tribal colleges have increased in recent years, the per Indian student funding is still less than two-thirds the level authorized by law and significantly lower than the public support given to mainstream community students.

Mr. CONRAD. I thank the Senator. I would also like to note that the need for federal funding is especially critical for these schools because most tribal colleges and universities were founded less than 25 years ago and are located in rural and impoverished areas, and they do not have access to alumni-based funding sources and local financial support.

Mr. JOHNSON. Given the circumstances described by the Senator from North Dakota and my own knowledge of the five tribal colleges in my own State, I ask that every effort be made in Fiscal Year 2002 and beyond to fund the colleges at the level at which they are authorized in the Tribally Controlled College and University Assistance Act. Would the Senator from Iowa agree that with respect to the education funding amendment adopted by the Senate that this will be a priority?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota that a portion of the funding provided by my amendment should be used to help close the gap between the level of funding authorized by the Tribally Controlled College and University Assistance Act and the level of funding the colleges are currently receiving. I believe the funding in my amendment is sufficient to meet the needs of the tribal colleges and universities as well as the other educational needs throughout the country.

Mr. CONRAD. I thank the Senator for his remarks. I am pleased that the Senator from Iowa, who is a champion

of education, shares my strongly-held view that Congress must continue work toward current statutory federal funding goals for the tribal colleges. I look forward to continuing to work with him on this.

TRIBUTE TO SENATOR JENNINGS RANDOLPH AND HIS FIGHT FOR THE 26TH AMENDMENT

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to Senator Jennings Randolph on the anniversary of the passage of the 26th Amendment. In 1971, a young West Virginian named Debbie Phillips skipped a day of high school. Skipping school is usually frowned upon by parents and teachers, but Debbie, then 18, was anything but another student trying to ditch chemistry, algebra, and history. In fact, Debbie was missing school in order to make history: that day, she registered to vote under the newly-ratified 26th Amendment to the Constitution at the Kanawha County Court House in Charleston, WV. A year later, the 26th Amendment also allowed Debbie to seek an appointment as a delegate at a national convention, making her the first West Virginian under 21 years of age to file for public office.

I was the Secretary of State in West Virginia at the time, so Debbie came to my office to register. Her actions, and those of millions of other young Americans who have accepted the 26th Amendment's invitation to participate in the political process, show how critical young people are to our democracy.

These extraordinary developments were made possible by a great man and a friend of mine—Senator Jennings Randolph, my predecessor as Senator form West Virginia and the ''Father of the 26th Amendment.'' Senator Randolph drafted the amendment and worked tirelessly for its passage, based on his belief that America's youth had a right to be part of our political process. The ratification of the amendment marked a great moment in our country's history. It has allowed young adults to speak for themselves and have their voices heard in the greatest democratic society in the world.

Thirty years ago Saturday, the State of West Virginia ratified the 26th Amendment. This action came in the midst of the Vietnam War, in which nearly half of all the soldiers that America lost were younger than 21. Despite making the ultimate sacrifice for their country, those young soldiers had been unable to vote for the President that was sending them to war. In addition, they were paying taxes and participating in society in every other way; yet they were unable to vote. Senator Randolph changed that forever.

Tomorrow, West Virginia Secretary of State Joe Manchin is holding an event at our State Capitol encouraging schools to register voters under his West Virginia SHARES program—Saving History and Reaching Every Student. It is so important that young people realize what an awesome power Senator Randolph's crusade brought them. Young Americans were excited to have the right to vote in the early 1970s, but today many 18- to 21-year-olds do not even bother to register. With the exception of 1996, voter participation among citizens between the ages of 18 and 24 has decreased in each Presidential election. Secretary of State Manchin's project is therefore of utmost importance. It is essential that we let young people know of their right, and indeed their responsibility, to vote, and help them register to do so.

Again, I salute Senator Randolph for his tireless efforts to allow Debbie Phillips and countless other young people to improve our democracy.

TAX SIMPLIFICATION

Mr. FEINGOLD. Mr. President, I rise to speak on a report issued yesterday by the Joint Committee on Taxation and hearings that are being conducted today in the Finance Committee on the subject of tax simplification.

Last week, on April 16, millions of Americans mailed their tax returns, completing the last step in a process that many found arduous, burdensome, and needlessly confusing. The tax code has become increasingly complex since its last major reform in 1986. Taxpayers grow increasingly frustrated filling out their returns or are forced to pay others to prepare their tax returns for them. The government has thus imposed a kind of tax on paying taxes.

In response to this complexity, most people have apparently thrown up their hands and paid others to fill out their returns. The Internal Revenue Service recently estimated that through the first week of April, about 57 percent of all individual income-tax filers used paid preparers. That rate was up from 56 percent last year.

Paid tax preparers report that they did a booming business this year. Through March 30, H&R Block's revenue for tax preparation services rose by more than 10 percent over last year, to $1.5 billion. Its average fee rose to about $109.

Aside from using paid preparers, to avoid tax complexity, many Americans forgo tax benefits to which they are legally entitled. For example, many people use the standard deduction, even though they would save money by itemizing their deductions. The General Accounting Office recently estimated that on more than half a million returns for 1998, taxpayers did not itemize, even though mortgage interest payments alone would have reduced their taxes or increased their refunds. GAO estimated that the resulting overpayments may have totaled $311 million, or $610 per tax return.

Earlier this year, the IRS's acting national taxpayer advocate issued a report to Congress in which he summed up: Complexity ''remains the No. 1 problem facing taxpayers, and is the root cause of many of the other problems on the Top 20 list.''

All this complexity comes with substantial costs to our economy. Treasury Secretary Paul O'Neill said recently: ''The [tax] code today encompasses 9,500 pages of very small print. While every word in the code has some justification, in its entirety it is an abomination. It imposes $150 billion or more of annual cost on our society with no value creation.''

The difficulty of filling out the income tax form is undermining Americans' confidence in the system. When people's interaction with the Federal Government is dominated by complex and burdensome tax forms, it can impair the people's trust in government generally.

We need tax reform and simplification. And now is the perfect time to do something about it.

In a fine Brookings Institution Policy Brief issued this month, scholars Len Burman and Bill Gale write:

> Tax complexity is like the weather: everyone talks about it but nobody does anything about it. . . . Unlike the weather, though, policymakers can do something about complexity. And if they do not simplify the tax system now, when there are surplus funds to pay for simplification, they will have lost a golden opportunity.

Burman and Gale are right. Tax simplification needs to be an important part of this year's tax policy debate.

If Congress is to enact a greatly simplified tax code, it needs to have a thorough understanding of the problem as well as specific proposals to consider. Comprehensive studies of the issue can provide a needed impetus. The Report of Secretary of the Treasury Donald Regan, for example, laid the groundwork in substantial part for the 1986 reform.

I chaired the Taxation Committee of the State Senate in Wisconsin when we reformed the tax code in the mid-1980s. Democrats controlled both houses of the Legislature, and we had a Democratic Governor, but we used the Regan tax reform proposal as the basis for much of our own tax reform. The result was a greatly simplified tax system.

Following on that model, in last year's budget resolution, I offered an amendment calling for the Joint Committee on Taxation to conduct a study of means by which we might simplify taxes. The Senate Budget Committee adopted the amendment unanimously. And the budget resolution that Congress adopted on April 13 of last year included it as section 336. That section said, in relevant part: ''It is the sense of the Senate that . . . the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year. . . .''

The staff of the Joint Committee on Taxation, under the direction of Chief of Staff Lindy Paull, took this and other requests along these lines seriously. They consulted with academics,

former chiefs of staff of the Committee, and former Commissioners of the IRS. Staff reviewed proposals that have been made, and considered particular issue areas. The resulting report, released yesterday, suggests ways to accomplish the same policy goals that underlie the current income tax code, but in less duplicative or less convoluted ways.

I am glad to see that the Joint Committee has released its report. Similarly, I am gratified that Finance Committee Chairman CHUCK GRASSLEY is holding a hearing today to receive the report and discuss this important subject.

Although I do not agree with every suggestion put forth in the report, I am convinced that this report and these hearings are exactly the kind of institutional step that we need to take if we are to reform the tax code.

Here are a just a few examples of areas where Congress could well simplify the tax code:

The AMT: The complicated Alternative Minimum Tax is beginning to affect more and more middle-income taxpayers. It needs reform.

Capital Gains: Ever since the 1997 law created differing capital gains rates for differing holding periods, the capital gains form has become very complicated. Some have proposed an exclusion from capital gains income for the first several hundred dollars of capital gains income, so that modest investors in mutual funds would not be subjected to filling out the capital gains schedule.

The Earned Income Tax Credit: At the Finance Committee hearing today, Richard Lipton, head of the American Bar Association tax section, argues for simplifying the earned-income tax credit, designed to help low-income working families. In Mr. Lipton's words, ''In effect, Congress has given the poor a tax break with one hand and then taken it away with the other by making it too complex to understand.''

Child Credits: Robert Cherry and Max Sawicky of the Economic Policy Institute have proposed a universal unified child credit that combines the dependent care credit, the earned income tax credit, the child credit, and the additional child credit. Similar work has been advanced by David Ellwood and Jeff Liebman of Harvard University's John F. Kennedy School of Government. Congress could well examine combining various child credits to make them fairer and easier to use.

The Standard Deduction: We could expand the standard deduction so that fewer taxpayers needed to itemize their deductions.

The Personal and Dependent Exemptions: Alternatively, we could expand the personal and dependent exemptions.

The Nanny Tax: Congress has simplified the law by raising the threshold of wages paid for filing employer taxes and by incorporating the filing into the form 1040. The threshold could be further raised.

Education Incentives: Today's code contains several different education incentive provisions, including tuition credits, like Lifetime Learning or the Hope Credit, Education IRAs, State deductible tuition programs, limited interest deductions, and employer provided assistance. These provisions contain numerous and differing eligibility requirements. Congress might work to harmonize these programs.

A simplified tax code makes good economic policy sense. We would improve the economy's efficiency if we could minimize the impact of the tax code on the economic decisions of businesses and individuals.

The tax code's complexity frustrates average households. This is a real issue with many people of fairly modest means. I hold listening sessions in each of Wisconsin's 72 counties every year, and I frequently hear of people's frustrations with the tax code's complexity.

I am gratified to see that the Joint Committee on Taxation has addressed the budget resolution's request seriously, and has produced its extensive product. I commend the Joint Committee's efforts.

We need to advance the process of simplification further. I look forward to working with colleagues in the Finance Committee and the Senate on ways to reform and simplify the tax code.

INFORMATION BROKERS

Mr. NELSON of Florida. Mr. President, the Washington Post reported this morning that several prominent banks, insurance companies and law firms regularly purchased consumers' confidential financial information from an information broker that illegally gathered the data using ''pretext'' calling. This despicable practice involves a caller who contacts a business or government entity and uses a person's social security number or other personal identifier to trick an unsuspecting clerk to provide confidential information about everything from a person's checking account balance to her investment portfolio.

The prohibition against this fraudulent practice was recently strengthened by Congress through the Gramm-Leach-Bliley Act, but reports of abuse have continued. Information brokers with little regard for people's privacy are doing the dirty work for organizations that otherwise portray themselves as privacy proponents. These so-called information brokers allow companies seeking such information to cut corners at the expense of consumers.

And the apparent willingness of some in the financial industry to purchase such information calls into question the industry's commitment to protecting consumers' privacy. Further, if companies buy information from suspect sources, there are limited prohibitions on redistributing it.

If a company isn't required to get a customer's express consent prior to selling, sharing or disclosing his information, then the customer has little opportunity to stop the spread of inaccurate information.

Earlier this year, I introduced legislation that, if passed, would help minimize the collateral damage that can occur when financial institutions purchase information from these suspect firms. My bill would require a consumer's express consent before a financial company can share personally identifiable financial information with its affiliates and express written consent before it can transfer personally identifiable medical information. I want to put the consumers in control. Consumer control ensures that personally identifiable information is only used for the purpose it was gathered for and protects consumers from the further spread of inaccurate information.

Too often these days, personally identifiable medical and financial information is being shared, bought, or sold; and, it's being done without the consent of the consumer. This practice must stop. And it is our job to pass legislation that will stop it.

I call on my colleagues in the Banking committee to move forward with this legislation as soon as possible, so that it can be considered by the full Senate. Now is the time to close the financial privacy loophole so that we prevent a further erosion of our privacy rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 25, 2001, the Federal debt stood at $5,681,916,012,004.34, Five trillion, six hundred eighty-one billion, nine hundred sixteen million, twelve thousand, four dollars and thirty-four cents.

One year ago, April 25, 2000, the Federal debt stood at $5,714,810,000,000, Five trillion, seven hundred fourteen billion, eight hundred ten million.

Five years ago, April 25, 1996, the Federal debt stood at $5,092,768,000,000, Five trillion, ninety-two billion, seven hundred sixty-eight million.

Ten years ago, April 25, 1991, the Federal debt stood at $3,425,956,000,000, Three trillion, four hundred twenty-five billion, nine hundred fifty-six million.

Fifteen years ago, April 25, 1986, the Federal debt stood at $2,003,491,000,000, Two trillion, three billion, four hundred ninety-one million, which reflects a debt increase of more than $3.5 trillion, $3,678,425,012,004.34, Three trillion, six hundred seventy-eight billion, four hundred twenty-five million, twelve thousand, four dollars and thirty-four cents during the past 15 years.

ADDITIONAL STATEMENTS

IN HONOR OF NAVY LIEUTENANT SHANE OSBORN

• Mr. JOHNSON. Mr. President, I rise today to honor South Dakota's native

son, Lt. Shane Osborn, the Navy pilot whose leadership and piloting skills saved the lives of the crew detained in China for the first part of April.

Even at three years of age, Shane exhibited a fascination with planes. Shane's family lived on a farm near Rapid City, South Dakota, where the farmer owned a small, two-seat aircraft. The hangar wasn't far from the house, and Shane would often climb into the plane and pretend to take to the skies in flight. This lifelong interest led Shane to the Navy where he trained as a pilot and was commissioned an officer in 1996.

Shane eventually was transferred to Whidbey Island Naval Station in Washington where he was trained to fly naval reconnaissance. As his Navy EP–3E plane recently flew a routine mission near the Chinese coast, it is reported that a Chinese F–8 fighter plane made two passes near the American aircraft, flying within three to five feet of the plane. On the third pass, the Chinese pilot apparently ran into the American plane's propeller, sending Shane and his crew into a steep dive.

With two of the four propellers out of commission, a smashed nose cone, and destroyed navigational instruments, the American plane dropped nearly 7,500 feet toward the China Sea. With sheer will and brute force, Shane managed to bring the plane under control and land safely on the Chinese island of Hainan.

During the ensuing days as Shane and his crew were held by Chinese officials, I spoke with the Chinese Ambassador and urged his government to release the American crew as quickly as possible. I also passed along to the Ambassador an email message Shane's father, Doug, wrote to his son. As the parent of a son in the military, I understood the fear and uncertainty one feels when their child is suddenly placed in harm's way. However, when I spoke with Doug Osborn, I was reminded also of the immense pride and love that a parent feels for their son or daughter in the military.

I commend Lt. Shane Osborn for his heroism in safely landing the disabled American plane and his leadership as mission commander during the 11 days the American crew was detained in China. Shane symbolizes the very best that we have come to expect from the men and women in our military. I will continue to be an advocate on military issues in Congress and make sure that military personnel like Shane receive the ''quality of life'' benefits they and their families deserve. After the numerous sacrifices the men and women in our military make for our country, we in Congress can be expected to do no less.●

HONORING CADET CHIEF PETTY OFFICER THEA I. PECK AS NAVAL SEA CADET CORPS CADET OF THE YEAR

● Mr. SANTORUM. Mr. President, I would like to extend my most sincere congratulations to Cadet Chief Petty Officer Thea I. Peck. On April 28, 2001, she will be awarded the Willis E. Reed Cadet of the Year Award, which recognizes the Naval Sea Cadet who has excelled in all areas of Naval Sea Cadet Corps, NSCC, training. She was initially selected as Mid-Atlantic Cadet of the Year for 2000 out of six states including Pennsylvania, which then lead to her selection as the program-wide Cadet of the Year. This recognition is outstanding as it exemplifies Cadet CPO Peck's leadership, maturity, dedication, and patriotism.

The NSCC was established in 1958 in part of the Department of the Navy to develop an appreciation for the United States' naval history, customs, traditions, and its significant role in national defense. Its purpose is also to develop patriotism, confidence, and pride in our nation's youth and help them to develop strong moral character and good citizenship. It also gives participants a real-life look at military opportunities.

Cadet CPO Peck has been a member of the Naval Sea Cadet Corps Program for over five years. She has completed several training courses over her tenure in the program including time spent at the Foreign Exchange Program with the United Kingdom and Medical Staff Training at Bethesda Naval Hospital. In all of her training periods, Cadet CPO Peck earned the highest performance marks illustrating her dedication to the program and the United States Navy.

In addition to excelling in the Naval Sea Cadet Corps, Cadet CPO Peck is an impeccable student. With a high school grade point average of 3.95, and as a student in all advanced classes, she has mastered time management and the ability to balance academics and outside activities. She has received a number of achievements for her work in various science fairs, and she is also an outstanding athlete, lettering in indoor track, swimming, lacrosse and soccer.

Cadet CPO Peck is a superior, well-rounded young adult who has chosen to take advantage of all that life has to offer. As a member of the Senate Armed Services Committee, I am grateful to Cadet CPO Peck for her dedication to the United States Navy through the Naval Sea Cadet Corps. With so many opportunities ahead after high school, I am confident that whichever avenue she chooses to pursue, she will bring great energy and leadership to it.

I ask my Senate colleagues to join with me in congratulating this fine young leader as she is recognized as the 2001 NSCC Cadet of the Year and recipient of the Willis E. Reed Award.●

HONORING REVEREND DR. KENNETH L. SAUNDERS, SR.

● Mr. CORZINE. Mr. President, I want to bring to the attention of my colleagues a great man in the State of New Jersey, Reverend Dr. Kenneth L. Saunders, Sr.

Reverend Saunders is a man of integrity who is committed to the spiritual, mental, social, civil and economic well-being of his congregation and residents of the City of Piscataway.

Reverend Saunders has dedicated his life to public service. As Council President of the City of Piscataway, he insures that everyone has a voice. Reverend Saunders is also an outstanding advocate for children and their families.

Reverend Saunders is a true American, who believes that all people should have access to America's Promise. He has the enviable gift of being able to bring people together to work for a common cause. Reverend Saunders is an unselfish man whose motivation is not self-gratification. He possesses a higher calling.

This week, Reverend Saunders is celebrating 12 wonderful years of pastoral ministry at North Stelton A.M.E. Church in Piscataway. Under his unparalleled guidance, North Stelton A.M.E. Church has experienced enormous growth and is a warm congregation filled with joy and love.

I want to also mention his wife, Mrs. Shirley Saunders and want you to know that they make an exceptional team. Her devotion to the community is very well-known, and the State of New Jersey is a better place because of the leadership of Reverend and Mrs. Kenneth L. Saunders, Sr.

Lastly, I am a better man today because of my friendship with Reverend and Mrs. Saunders, and it is an honor for me to bring them to your attention.●

PIKE COUNTY INDIANA SCHOOL CORPORATION

● Mr. LUGAR. Mr. President, I am delighted to rise today with my colleague Senator BAYH to congratulate the Pike County School Corporation located in Petersburg, IN on being named ''One of the Best 100 School Districts in the United States'' for the year 2000 by the Wall Street Journal and Offspring magazine. The Pike Country school administrators, teachers, and students should take great pride in this outstanding accomplishment. This award is based on academic excellence in standardized testing such as the SAT, ACT, Indiana's ISTEP+ test, the number of National Merit Scholars produced by the district, community living costs, and dollar expenditures per student.

In October 1996, I had the distinct honor of meeting with the student body at Pike Central Middle High School. I was able to address the student body and saw first hand the hard work and dedication of the school's administrators and teachers. After addressing the student body I had the pleasure of going for a run with a group of Pike County students. It's a high honor to be standing on the floor of the Senate today reflecting on that visit and recognizing Pike County schools for their outstanding achievements.

National recognition of Pike County's educational accomplishments is particularly timely as the Senate commences debate on President Bush's Education program. The schools of Pike County have set standards that all school districts across this great nation should strive to emulate. Five years ago, Pike County School Corporation developed and implemented a district- wide plan to improve scores at all grade levels. They aggressively used standardized tests at all grade levels to ensure classroom standards were being met and student weaknesses were being addressed. Their efforts resulted in a significant increase in the percentage of students from Pike County meeting Indiana's academic standards. Also, the number of students attending college after high school graduation nearly doubled during the 1998–99 school year, the year that was used for the national study conducted by Offspring Magazine.

Using Title 1 funds, the Pike County School Corporation developed an early-childhood program that targeted preschool and kindergarten children. Using a corporation-developed assessment process, four-year-old students were placed into the county's three elementary schools for half-day pre-school classes, with five-year-olds invited to participate in extended-day kindergarten. This program has played an important role in the dramatic rise of Pike County ISTEP+ test scores at the third grade level.

Additionally, and of particular note, Pike County School Corporation was able to accomplish these goals while spending approximately $6,500 per student year, one of the lowest spending rates per student in the country. As quoted from Offspring magazine, ''the hallmark of a top-rated school district isn't necessarily how much money it has to spend, but how it spends the money it has.''

This great recognition is a tribute to the superlative efforts of the members of the local school board, the school administration, teachers, and support staff of the PCSC. I congratulate Pike County School Corporation and the Pike County community, and wish them continued academic success.●

NALC FOOD DRIVE STATEMENT

● Mrs. BOXER. Mr. President, this year marks the ninth anniversary of ''Stamp Out Hunger,'' the largest one-day food drive in the United States. I strongly commend and congratulate the National Association of Letter Carriers, NALC, for sponsoring this annual event, and marvel at its rapid expansion, beginning in only ten cities in 1992, it now spans over 10,000 cities and towns across our nation.

More than 1,500 NALC branches, including the California State Association of Letter Carriers in my home State, will participate in this year's ''Stamp Out Hunger.'' On May 12, the second Saturday in May, residents across the country will be asked to place boxes and bags of food next to their mailboxes, where postal workers will pick them up, sort them, and deliver them to community food banks, shelters and pantries.

The success of this program can be seen in the staggering volume of donations: more than 392 million pounds of food have been collected in the program's history. However, what impresses me most is the strong commitment of our nation's postal workers and citizens to end hunger. The only way we will put an end to poverty is to follow their example and take action, become involved, make a concerted effort. I urge all Americans to participate in ''Stamp Out Hunger'' on May 12 to put an end to the poverty that is plaguing far too many children, men and women in our communities and across our nation.●

EISLEBEN LUTHERAN CHURCH

● Mr. BOND. Mr. President, I rise to make a few comments on the 150th anniversary of the Eisleben Lutheran Church in Scott City, MO.

Since the first congregation of nineteen members gathered on April 30th 1848, Eisleben Lutheran Church has grown to become a part of Missouri history. Eisleben Lutheran Church's first house of worship was a log cabin built in the area now known as Scott City. The area surrounding the church was mostly wooded hills and large swamps which were impassible much of the year. In 1867 the second facility known as Rock Church was built.

Today the congregation worships in a church that was completed in 1913 using the stones from the original Rock Church. The congregation of the Eisleben Lutheran Church have maintained a long history of service to the Scott City community, as well as the international community by supporting missionary efforts all over the world.

Over the past 150 years Eisleben Lutheran Church has witnessed and been a part of many historical events. Their devotion to the preservation and continued growth of the church is commendable. I am pleased to join with the Scott City community and the State of Missouri in congratulating the congregation of the Eisleben Lutheran Church.●

WILSON H.S. STUDENTS EXCEL IN COMPETITION

● Mr. HOLLINGS. Mr. President, I would like to recognize a group of students from Wilson High School in Florence, SC who recently participated in the ''We the People . . . The Citizen and the Constitution'' national finals in Washington, D.C. April 21–23. They tested their knowledge of American constitutional government against 49 other student groups from across the country in a familiar format to those of us in the Senate, a congressional hearing. During the simulated hearing, students testified as constitutional experts before a panel of judges. Fifteen students, led by their teacher Yvonne Rhodes, represented Wilson at the competition. They were: Lakisha Boston, Lynette Carr, Christine Chen, Rebecca Derrick, Ashunti Drummond, Elizabeth Fortnum, Albert Hayward, Anthony Henderson, Benjamin Ingram, Janny Liu, Christina Moss, Jason Owens, Anna Stewart, Tyler Thomas and Dheepa Varadarajan. I commend these students for their impressive performance in the ''We the People . . . The Citizen and the Constitution'' program administered by the Center for Civic Education. Their interest in the foundation of our government is refreshing and will prepare them to become active, responsible citizens and community leaders.●

GARFIELD MIDDLE SCHOOL 50TH ANNIVERSARY

● Mr. DOMENICI. Mr. President, I rise today to ask my colleagues to join me in congratulating Garfield Middle School in Albuquerque, which is celebrating its 50th anniversary today, April 26. Built to serve Albuquerque's growing North Valley, the school first opened for the 1950–51 school year. First built with the intention of serving as an elementary school, Garfield actually became the fourth public junior high school to open in my hometown.

Mr. Walter McNutt was Garfield Middle School's first principal. It was under this distinguished man that I served as a public school teacher shortly after graduating from the University of New Mexico. I taught math and coached baseball at the school in the 1955–56 school year.

The Garfield Middle School's long-held mission has been to foster a sense of community among its students, parents and school staff as a means of boosting pupil achievement.

With a multi-cultural enrollment ranging over the years from 650–1,200 students, Garfield has earned a number of award-winning and nationally-recognized programs.

I am proud to also point out that Garfield is actively involved in a program that is close to my heart, Character Counts. The school is nationally recognized as having one of the finest Character Counts programs in the United States. At the school they teach the six pillars of good character: responsibility, respect, trustworthiness, fairness, citizenship, and caring.

I applaud Garfield Middle School for its accomplishments and as it celebrates its 50th Anniversary, we wish them much continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 503. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

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. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day.

The message further announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HOYER of Maryland, Mr. CARDIN of Maryland, Ms. SLAUGHTER of New York, and Mr. HASTINGS of Florida.

The message also announced that pursuant to 14 U.S.C. 194(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. TAYLOR of Mississippi.

The message further announced that pursuant to section 5(b) of the James Madison Commemoration Commission Act (Public Law 106–550), the Speaker appoints of the following members on the part of the House of Representatives to the James Madison Commemoration Advisory Committee: Dr. Charles R. Kesler of Claremont, California and Mr. Randy Wright of Richmond, VA.

The message also announced that pursuant to section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143), and upon the recommendation of the Minority Leader, the Speaker appoints the following citizen of the United States to the First Flight Centennial Federal Advisory Board: Mr. Neil Armstrong of Lebanon, Ohio.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day.

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–1614. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidelines on Leveraged Lease Advance Rulings'' (Rev. Proc. 2001–28) received on April 24, 2001; to the Committee on Finance.

EC–1615. A communication from the Administrator of the National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report concerning a High-Energy-Density Physics Study; to the Committee on Appropriations.

EC–1616. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a report of the designation of acting officer in the position of Administrator, Federal Insurance Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC–1617. A communication from the Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Equal Employment Opportunity; Updating of EEO Policies and Procedures'' (RIN2501–AC73) received on April 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1618. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Director of Defense Research and Engineering, Department of Defense; to the Committee on Armed Services.

EC–1619. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary of Defense (Comptroller); to the Committee on Armed Services.

EC–1620. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Secretary of Defense, International Security Affairs; to the Committee on Armed Services.

EC–1621. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of the Army; to the Committee on Armed Services.

EC–1622. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a confirmed nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.

EC–1623. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.

EC–1624. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a discontinuation of service in acting role in the position of Assistant Secretary of Defense, Strategy and Threat Reduction; to the Committee on Armed Services.

EC–1625. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Force Management Policy; to the Committee on Armed Services.

EC–1626. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Secretary of Defense, Command, Control, Communication, and Intelligence; to the Committee on Armed Services.

EC–1627. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense, Legislative Affairs; to the Committee on Armed Services.

EC–1628. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Public Affairs; to the Committee on Armed Services.

EC–1629. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Packaging and Transfer or Transportation of Materials of National Security Interest'' (DOE O 461.1 and DOE M 461.1) received on April 18, 2001; to the Committee on Armed Services.

EC–1630. A communication from the Financial Analysis Technician, Michigan Air National Guard, transmitting, a report relative to Economic Impact Analysis of the 110 Fighter Wing for Fiscal Year 2000; to the Committee on Armed Services.

EC–1631. A communication from the Acting Special Assistant to the Secretary of Defense for Gulf War Illnesses, Medical Readiness, and Military Deployments, transmitting, a commemorative edition of ''GulfNEWS''; to the Committee on Armed Services.

EC–1632. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monticello, Arkansas, and Bastrop, Louisiana)'' (Doc. No. 99–141) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Jacksonville, NC)'' (Doc. No. 01–3) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kankakee and Park Forest, Illinois)'' (Doc. No. 99–330) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (New Iberia, LA)'' (Doc. No. 01–2) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Prohibited Area P–49 Crawford; Texas'' ((RIN2120–AA66) (2001–0063)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Director, Preparedness Training and Exercise Director; to the Committee on Environment and Public Works.

EC–1640. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Inspection and Maintenance Program'' (FRL6924–3) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1641. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Rhode Island; Plan for Controlling Emissions From Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL6941–1) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1642. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Illinois'' (FRL6970–6) received on April 23, 2001 ; to the Committee on Environment and Public Works.

EC–1643. A communication from the Acting Director of the Trade and Development Agency, transmitting, the report or a vacancy and the designation of acting officer for the position of Director; to the Committee on Foreign Relations.

EC–1644. A communication from the Acting Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–20. A resolution adopted by the House of the Legislature of the State of Utah relative to Indian Health Services; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 8

Whereas, since the mid-1980's the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the 10,000 people residing in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land at Red Mesa, Arizona, for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal surveys and environmental clearance have been completed and the site has been legally withdrawn by the Navajo Nation for the project;

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired to oversee the construction of the project once is it designated and construction funds are appropriated;

Whereas, the Red Mesa Health Center, when completed, will provide adult and pediatric medical service, diagnosis and laboratory services, short stay nursing beds, dental physical therapy, and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness if the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the Navajo Nation; and

Whereas, it is vital that the staff quarters to constructed at the same time as the health center in order for the clinic to open with adequate staffing: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the United States Congress to appropriate $48 million in construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–21. A joint resolution adopted by the Legislature of the State of Utah relative to the Presidential tax relief plan; to the Committee on Finance.

HOUSE RESOLUTION NO. 18

Whereas, federal taxes from all sources are currently the highest ever during peacetime;

Whereas, all taxpayers should be allowed to keep more of their own money;

Whereas, one of the best ways to encourage economic growth is to cut marginal tax rates across all tax brackets;

Whereas, under current tax law, low-income workers often pay the highest marginal rates and President Bush's tax cut would reduce the marginal tax rate by 40–50 percent for low-income families with children;

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans by reducing tax rates, expending the child tax credit, and reducing the marriage penalty;

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest income earners:

Now therefore, be it *Resolved,* That the Legislature of the state of Utah urges the United States Congress to support and work to pass the tax relief plan introduced by President Bush.

Be it further *Resolved*. That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–22. A joint resolution adopted by the Legislature of the State of Utah relative to the repealing, rescinding, and superseding of any and all existing applications to Congress for a constitutional convention previously made; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 15

Whereas, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

Whereas, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an imminent peril to the well-established rights of the people and to the constitutional principles under which we are presently governed;

Whereas, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

Whereas, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

Whereas, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: now, therefore, be it

Resolved, By the Legislature of the state of Utah that any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions heretofore made by the Legislature of the state of Utah under Article V of the constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and

canceled and rendered null and void to the same effect as if the applications had never been made; be it further

Resolved, That the Legislature of the state of Utah urges the legislatures of each and every state which have applied to Congress for either a general or a limited constitutional convention to repeal and rescind the applications; and be it further

Resolved, That a copy of this resolution be sent to presiding officers of both houses of the legislatures of each of the other states of the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–23. A joint resolution adopted by the Legislature from the State of Utah relative to a standard national poll closing time; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 6

Whereas, during election night in 2000, television networks made declarations of victory for both candidates for President of the United States before the polls had closed;

Whereas, in one erroneous declaration, the winner of the eventually decisive state of Florida was announced hours before polls in the western region of the nation were closed and before all polls in western Florida had closed;

Whereas, when news services declare winners before the nation's polls close, voters in states where polls are not yet closed may conclude that their vote will not affect the outcome and choose not to vote;

Whereas, releasing the vote count results for states whose polls are closed before the closure of polling places in other regions of the country can distort the results of an election by suggesting that votes not yet cast will have no bearing on the outcome;

Whereas, in close races like the most recent election of President of the United States, declarations of victory before polls close can affect the outcome of the vote;

Whereas, a uniform poll closing time would prevent the publicizing of early election returns in one region of the nation from impacting the vote in other regions;

Whereas, if a uniform poll closing time was established for the Eastern, Central, Mountain, and Pacific time zones, polling places in western regions of the country could open earlier on the morning of election day to compensate for their earlier closing time; and

Whereas, uniform poll closing times in these time zones would significantly reduce the possibility that an election could be tainted by premature declarations of victory: now, therefore, be it

Resolved, that the Legislature of the State of Utah urge the United States Congress to institute uniform poll closing times for states in the Eastern, Central, Mountain, and Pacific time zones; be it further

Resolved, that the United States Congress review the factors that contributed to the problems in the 2000 General Election vote for the Presidency of the United States; and be it further

Resolved, that a copy of this resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–24. A joint resolution adopted by the Legislature of the State of Utah relative to the enhancement and modernization of Social Security; to the Committee on Finance.

HOUSE RESOLUTION NO. 2

Whereas, Social Security is a federal program that requires almost unanimous participation by employed workers in the state of Utah and throughout the United States;

Whereas, the retirement portion of the Social Security tax is high, having risen from an initial rate of 1% of the first $3,000 of a worker's income, up to a maximum of $30 per year, to the present rate of 12.4% of the first $80,400 of employee wages or self-employment income up to a maximum of $830.80 per month or $9,969.60 per year.

Whereas, the maximum Social Security retirement tax, paid by almost 11 million workers, has risen 5.51% in 2001 over the year 2000, and is now 57% higher than in 1990;

Whereas, because neither the employee's direct tax contribution to Social Security nor the employer's contribution on the employee's behalf appears on the employee's federal tax return, few employees understand the amount of Social Security retirement tax they actually pay each month;

Whereas, individuals can estimate their own Social Security tax cost by estimating 1% of annual compensation paid each month—for example, an annual income of $30,000 would yield an estimated monthly Social Security retirement tax cost of $300 per month.

Whereas, the Social Security retirement tax consumes nearly every dollar that many workers of modest income might otherwise be able to save and invest;

Whereas, because higher income workers are better able to save and invest over and above the amounts paid in Social Security taxes, escaping Social Security dependence, but modest income workers cannot, the system creates disproportionate dependence on the system by low and middle-income workers;

Whereas, for many lower income American workers, the Social Security retirement tax represents virtually all of the monthly retirement savings they assemble;

Whereas, with the individual retirement benefit currently ranging from a low of just a few dollars per month to a high of approximately $1,400 per month, and the average monthly retirement benefit currently at about $845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

Whereas, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

Whereas, national demographics have shifted significantly since the system was created as a part of President Roosevelt's New Deal policies;

Whereas, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

Whereas, the ratio is expected to dwindle to 2 workers per retiree within the next 30 years, making the current system unsustainable;

Whereas, tax receipts currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

Whereas, the Social Security Trustees estimate the cumulative annual deficits for years 2015 through 2075 to reach $21.6 trillion;

Whereas, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

Whereas, the current system is unfair to future retirees because after a lifetime of paying into the system, a worker retains no legal right nor claim to any amount or benefit, but is subject to future congresses who will set the benefit rates;

Whereas, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

Whereas, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse's benefit (''widow(er)'' benefit), and may claim the widow(er) benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

Whereas, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

Whereas, the system is unfair to some ethnic minorities, including African-Americans, whose life expectancies are shorter and will typically collect benefits for a shorter time period;

Whereas, retirement security is best achieved by regularly saving and investing one's own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

Whereas, the objective of Social Security privatization is for individual workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

Whereas, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

Whereas, private individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

Whereas, private, individually owned accounts grow on behalf of the worker whether or not the worker completes 40 quarters of contributions;

Whereas, private, individually owned accounts can be passed on by inheritance to spouses, children, or grandchildren, affording an opportunity for long-term-generational wealth accumulation:

Whereas, a national system of private, individual accounts can be perpetuated without end and without concern for projected dates of insolvency;

Whereas, private, individual accounts afford workers the opportunity to select from among multiple investment options, including government bonds or prudent, diversified investment models like those used by large pension or endowment funds;

Whereas, workers around the world are embracing privatized systems as a workable solution to an overburdened government Social Security program;

Whereas, the successful pioneer Chilean model was commenced 20 years ago with at least seven other Latin American countries following suit;

Whereas, Great Britain, Australia, and Singapore have also adopted private options, similar reforms are underway in Russia, Hungary, Poland, and Kazakhstan, and the People's Republic of China have embraced a private option with workers contributing one-half of their retirement funds into an individual account system since 1996;

Whereas, some U.S. workers have enjoyed a private account system as certain municipalities, including Galveston, Texas were allowed to opt out of Social Security in favor of a privatized system prior to 1981; and

Whereas, since many Americans are unable to save and invest for retirement beyond the 12.4% payroll tax, a privatized Social Security option may be the only hope for many lower income or economically disadvantaged Americans to achieve financial empowerment and retirement security: now, therefore, be it

Resolved, That the Legislature of the state of Utah urge the United States Congress to enact legislation to allow individual workers to choose to remain in the current system or to select a private account option. Be it further

Resolved, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients. Be it further

Resolved, That the legislation create private accounts to be owned and controlled by individual employees or workers, allow the individual employee or worker discretion to invest among multiple prudent and diversified investment options, and create minimum guaranteed income, disability, and death benefits in the private account. Be it further

Resolved, That a copy of this resolution be sent to the Speaker of the United States House of Representative, the President of the United States Senate, and the members of Utah's congressional delegation.

POM–25. A concurrent resolution adopted by the State of Utah relative to remembering those affected by Cold War nuclear testing; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahns and many other citizens of the United States of America living downwind of those tests suffered as a result of being ''active participants'' in the nation's nuclear testing program; and

Whereas, uranium miners in Utah, Colorado, New Mexico, Arizona, and the Navajo Nation whose work fueled the nuclear weapons program also suffered from exposure to radiation: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, designate January 27, 2001, as a Day of Remembrance to recognize the legacy of the Cold War and express hope for peace, justice, healing, reconciliation, and the fervent desire and commitment to assure that such a legacy will never be repeated. Be it further

Resolved, That the Legislature and the Governor recognize the sacrifices of the downwinders, uranium miners, and all other participants and victims of the Cold War, and their losses due to this tragedy. Be it further

Resolved, That a copy of this resolution be sent to Downwinders, Inc. and the members of Utah's congressional delegation.

POM–26. A concurrent resolution adopted by the Legislature of the State of Utah relative to the appropriation of funds; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 11

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, $22.5 million in crop losses have occurred in Box Elder and Tooele counties alone, with an additional $5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated from federal land, where no insecticides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural emergency, sought federal disaster relief, and issued a letter of the United States Department of Agriculture seeking federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because the bulk of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the problem originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahans of the devastating economic impact of the state's cricket and grasshopper infestation. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah's congressional delegation.

POM–27. A concurrent resolution adopted by the Legislature of the State of Utah relative to environmental preservation; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 3

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control capability in the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-renown fisheries at Lake Powell and Flaming Gorge Reservoir; and

Whereas, the construction of the Glen Canyon Dam and the Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to recognize and protect the water, power, recreation, and environmental benefits of Lake Powell and Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens from Glen Canyon Dam and Flaming Gorge Dam. Be it further

Resolved, That the Legislature and the Governor urge the United States Congress and Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam or Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir. Be it further

Resolved, That the Legislature and the Governor urge Congress and Department of Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir. Be it further

Resolved, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and Department of Interior officials.

POM–28. A joint resolution adopted by the Legislature of the State of Maine relative to Support Pay Equity; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the average American woman who works full time earns approximately 74¢ for each dollar that an average man earns working full time, and the average woman working full time in Maine earns approximately 73¢ for each dollar that an average man working full time in Maine earns; and

Whereas, the significant pay gap between men and women performing jobs of comparable skill, effort and responsibility, even when wages are adjusted for levels of education, contributes to the disproportionately high poverty rate among women and children in the State and across the Nation; and

Whereas, Congress has found that the gender-based wage gap depresses living standards for American women and their families, harms their health and efficiency, prevents the maximum utilization of available labor resources and tends to cause labor disputes, thereby burdening, affecting and obstructing commerce and creating unfair methods of competition; and

Whereas, justice requires that women be paid fairly for the value of their work; and

Whereas, the average wage gap between men and women has continued for decades without significant improvement, notwithstanding federal and state laws that prohibit discrimination in compensation for equal work on the basis of sex, including the federal Fair Labor Standards Act of 1938, Title VII of the federal Civil Rights Act of 1964 and the Maine Revised Statutes, Title 26, section 628; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States strengthen efforts to ensure that women are paid fairly for their work; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 319: A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity. (Rept. No. 107–13).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security.

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

Lincoln P. Bloomfield, Jr., of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

By Mr. INHOFE:

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 782. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health , Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses and individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited carryovers; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. MURKOWSKI, and Mr. JOHNSON):

S. 785. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. KERRY, Mr. LEAHY, Mr. WYDEN, Mr. REED, Mr. TORRICELLI, and Mr. CORZINE):

S. 786. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance.

By Mr. SCHUMER:

S. 788. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself, Mr. BOND, and Mr. SMITH of New Hampshire):

S. 790. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 793. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. GRASSLEY, and Mr. BAUCUS):

S. 794. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Finance.

By Mr. THOMPSON (for himself, Ms. COLLINS, Mr. CONRAD, Mr. FRIST, Mrs. LINCOLN, Mr. DEWINE, and Mr. KERRY):

S. 795. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 76. A resolution congratulating the Eagles of Boston College for winning the 2001 men's ice hockey championship; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 77. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental affairs; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH):

S. Con. Res. 34. A concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 39

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 99

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 237

At the request of Mr. HUTCHINSON, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 247

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 247, a bill to provide for the protection of children from tobacco.

S. 270

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 413

At the request of Mr. COCHRAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Michigan (Mr. LEVIN), and the Senator from Wyoming (Mr. THOMAS) were added as a cosponsors of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 466

At the request of Mr. HAGEL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 515

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 515, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 525

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 549

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mr. SMITH, of New Hampshire) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 580

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Hawaii (Mr. INOUYE) were added as a cosponsors of S. 580, a bill to expedite the construction of the World War II memorial in the District of Columbia.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 697

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 767

At the request of Mr. REED, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 767, a bill to extend the Brady background checks to gun shows, and for other purposes.

S.J. RES. 7

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. KYL) were added as a cosponsors of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 19

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH, of Oregon) was added as a cosponsor of S. Res. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON, of Nebraska) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as ''National Crazy Horse Day.''

S. CON. RES. 28

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as a cosponsors of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs.

CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator HAGEL, Senator SCHUMER, and Senator CLINTON in introducing legislation to extend section 245(i), a vital provision of U.S. immigration law, which enables persons who are eligible for green cards to adjust their status in the U.S., rather than have to return to their country of origin to do so. Last year, Congress made a major effort to bring greater fairness to the nation's immigration laws. The Legal Immigration Family Equity Act was a sensible compromise worked out on a bipartisan basis to deal with many of the injustices that have been so harmful and so unfair to so many immigrant families in recent years. Included in the legislation was a partial restoration of 245(i).

Under last year's legislation, however, immigrants are required to file their petition by April 30th to qualify for 245(i). This fast-approaching deadline is causing fear and confusion around the country. Eligible immigrants are struggling to file their petitions by April 30th, but little time remains. Across the country, we hear that many qualified persons will not be able to file their petitions by this deadline, because not enough attorneys and legal service organizations are available to handle their cases.

The legislation we are introducing will extend the deadline to April 30, 2002, and provide needed and well-deserved relief to members of our immigrant communities. Spouses, children, parents and siblings of permanent residents and U.S. citizens will be able to adjust their status in the U.S., and avoid needless separation from their loved ones. Similarly, businesses will be able to retain valued employees. In addition, the INS will receive millions of dollars in additional revenues, at no cost to taxpayers.

Extending the section 245(i) deadline is pro-family and pro-business, and it is also good economic policy and good immigration policy. It is consistent with the goal of legislation to reunite immigrant families.

Representatives PETER KING and CHARLES RANGEL have introduced similar legislation in the House. Congress needs to act quickly to pass this important legislation. I hope that our Republic and Democratic colleagues will join us in supporting this needed extension.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would extend to qualified hospital support organizations the debt-financed property rules that currently apply to tax-exempt education institutions and pension funds. This measure is of great importance to the 18,000 inpatients and the more then 200,000 outpatients who receive health care services from the Queen's Health System of Hawaii. Currently, Federal tax laws that were enacted in 1969 stand between the wishes of Queen Emma Kaleleonalani who, in 1885, bequeathed land to the Queen Emma Foundation to support the Queen's Health System, and the citizens of Hawaii who depend on the Queen's Health System for health care services.

The foundation is a nonprofit, tax-exempt, public charity. Its purpose is to support and improve health care services in Hawaii by committing funds generated by foundation-owned properties to the Queen's Medical Center, an accredited teaching hospital in Honolulu that maintains an emergency room open to all, regardless of ability to pay, and that admits Medicare and Medicaid patients. The foundation and the medical center are members of the Queen's Health Systems, which also operates Molokai General Hospital, a small community hospital on the island of Molokai. Additionally, Queen's operates clinics on various islands, provides home health care services, supports nursing programs at Hawaiian colleges and universities, operates a medical library, holds health fairs, and provides other educational services for the benefit of the Hawaiian community.

Presently, the funds that enable the foundation to support these services are generated by Foundation-owned properties that were bequeathed more than 100 years ago by Queen Emma. Most of the foundation's land is now encumbered by long-term, fixed-rent commercial and industrial ground leases. The returns from these ground leases are extremely low, and under their terms, the foundation is unable to increase rents to keep pace with the appreciation of land values in Hawaii. The foundation would like to increase its cash flow by buying out the current leases and re-leasing the land at existing market rates. The foundation would also like to upgrade the improvements on its lands to further enhance their revenue-generating potential. However, current debt-financed property rules under the unrelated business income tax would subject the revenues earned by the foundation from its improved properties to income tax, significantly reducing the funds available to the foundation to meet its obligation to provide quality health care services to the citizens of Hawaii.

Colleges, universities, and pension funds are currently exempt from the debt-financed property rules. The foundation seeks the same treatment that presently applies to educational institutions and pension funds. 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. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualifed organization) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by gift or devise, and

''(II) consisted of real property, and

''(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INHOFE:

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce legislation that

would create a new era in charitable giving across America. My bill, the Neighbor to Neighbor Act, includes provisions that would allow tax-free distribution of IRA accounts for charitable purposes, and give nonitemizers the same deduction that itemizers enjoy. It would also allow the deduction for charitable gifts of long-term capital gain property to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. It would increase the carryover period for charitable deductions from five years to ten years; and it would exclude a charitable deduction from the three percent reduction rule. My bill would allow a taxpayer to deduct charitable contributions up until April 15th, and finally, the Neighbor to Neighbor Act would repeal the current two percent excise tax on private foundations.

My bill would greatly simplify one of the most complex provisions in the tax code. The tax code should reward the generosity of good-hearted Americans, it should not penalize those who choose to give to those in need.

IRA account owners would be permitted to make distributions from their IRAs directly to charities, either outright, or in exchange for a charitable gift annuity, a charitable reminder trust, or pooled income fund in the Neighbor to Neighbor Act. According to the Employer Benefit Research Institute, there are currently more than one trillion dollars in IRA accounts and five trillion dollars in defined contribution accounts, which can be rolled into IRA accounts.

I have numerous examples, totaling hundreds of millions of dollars, from people who have wanted to donate their excess IRA assets to charity, but were unable to because of the current tax penalties For example, the ability to rollover an IRA to charity would mean literally millions of dollars for Boston College. Syracuse University lost a 1.5 million-dollar gift because the donor could not rollover his IRA into a charitable remainder trust.

A 71-year-old male donor with a 1.3 million IRA wanted to make a life income gift to a major public university in Texas. He wanted to receive annual income payments that would help ensure the care of his wife, who is in the early stages of Alzheimer's. Given the tax consequences of such a gift under current law, the donor has not been able to make the charitable contribution.

The husband of a hospital volunteer at a medical center in Tennessee would like to establish a charitable trust to benefit cancer research in honor of his last wife. He wants to use retirement plan assets of 1.8 million to establish this cancer research fund, to provide himself with annual payments for retirement income, and to reduce the tax burden on his heirs, would be greater for IRA assets than other appreciated securities. He has been advised against such a gift because of tax disincentives under current law.

These are just a few examples of how the current law levies significant taxes and presents serious disincentives to charitable gifts of these assets. Under current, law, any IRA withdrawal is fully taxable as ordinary income in the year in which it occurs. A donor who withdraws IRA assets in order to make a charitable gift is subject to tax on the entire amount withdrawn. Under very best of circumstances, this amount might be offset by a charitable deduction, but even then there are significant limitations.

My bill, which allows the tax-free distribution of individual IRA accounts for charitable purposes, is good public policy. Although IRA assets were originally intended as a supplement to retirement income, withdrawal is now allowed, under certain circumstances, to assist in financing a home or a college education. It is equally appropriate for public policy to allow financially successful individuals, who have reached a point where IRA and other tax-deferred retirement assets are not needed for retirement, to use those assets, not for personal benefit, but to support charities that better the lives of others.

The Neighbor to Neighbor Act would also allow donors who make charitable contributions, but do not itemize their federal income tax deductions, to be entitled to a ''direct'' charitable contribution deduction. Since three out of four taxpayers do not itemize, the charitable deduction is not available to most taxpayers. A report by Price Waterhouse Coopers estimates that the deduction for nonitemizers would translate into 11 million more donors, and could increase giving by as much as 14.6 billion dollars in one year.

The deduction also does not provide an equal treatment for all donors, and it encourages fundraising efforts to focus on a small group of potential donors. By expanding the charitable contribution deduction for nonitemizers, the playing field would be level for all donors, and would lessen the role of government and the political process in charitable giving.

People should not face disincentives that burden charitable giving. My bill would allow the deduction for gifts of long-term capital gain property to public charities to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. In addition, the carryover period for charitable deductions that cannot be fully used in a given tax year, due to the applicable percentage limitation, would be increased from the current five year to 10 years.

The current percentage limitations on the deductibility of charitable contributions of long-term capital gain property to public charities, coupled with the reduction in the tax rates applicable to realized, long-term capital gains, are having a chilling effect on immediate charitable giving, the former reduces the incentive to make relatively large gifts of capital assets in the current year if the donor's contribution base is relatively small, compared to the value of the gift that could be made.

For example, just since last June, at Embry-Riddle Aeronautical University, four individuals have indicated an interest in giving amounts ranging from one to three million dollars. These individuals have not yet given because of the tax disincentives of the 30 percent rule; they can only deduct charitable contributions up to 30 percent of their adjusted gross income.

By increasing the income tax charitable deduction reduction percentage for contributions of long-term capital gain property to public charities from 30 percent to 50 percent of the donor's contribution base, gifts of highly-appreciated assets will be put on par with gifts of cash, and the tax law will again boost private philanthropy in America.

The Neighbor to Neighbor Act would also allow a taxpayer to deduct, for the current year, charitable contributions made up to the time for filing the taxpayer's federal income tax return for that tax year. Currently, taxpayers may contribute to their IRAs up until April 15th and still receive a deduction. Charitable donations should have the same tax treatment.

Finally, this bill would repeal the excise tax imposed on the investment income of private foundations. Private foundations are section 501(c)(3) charities that fund the work of a full range of charitable activities across the country. They are often founded by individuals or families, and their income stream comes primarily, if not entirely, from earnings on their investments.

Repeal of the excise tax would have the effect of increasing charitable contributions by hundreds of millions of dollars every year. This is because private foundations are required, annually, to pay out five percent of their assets in charitable distributions, and since the excise tax counts as a credit toward the distribution requirement, repeal would require an increase in charitable distributions by an equal amount.

The excise tax was originally enacted in 1969 as an ''audit fee,'' intended to offset the cost of IRS oversight of private foundations. But today, the tax collects far more than the IRS needs to conduct audits. In 1999, the excise tax produced 500 million dollars in revenue. And this year, the budget of all exempt-organization activities at the IRS is only 59 million dollars. Moreover, audits of private foundations fell from 1,200 in 1990 to 191 in 1999. This ''audit fee'' is not being used for its intended purpose.

The wayward use of these revenues is a good reason to repeal the tax, but not as important as the work we increasingly call on charities to perform. With the focus of the President and the Congress on charitable giving, I believe passage of the Neighbor to Neighbor Act would be one of the most effective steps we could take.

If we hope that charities will join state and federal government efforts to provide services for disadvantaged people and otherwise address important societal needs, then Congress should enhance the tax incentives that encourage voluntary philanthropy. Private foundations, like public charities, are publicly supported to the extent that they receive tax preferences. The provisions of the Neighbor to Neighbor Act are reasonable, efficient steps that will help charities address our common challenges; challenges we increasingly call on individuals and the private sector to take.

In an article for The Journal of Gift Planning, President Bush stated, ''I believe that the government's highest calling is often simply to do no harm—to instead be an enabler, a catalyst that creates a climate that allows America's nonprofits to flourish. A government that serves those who are serving their brothers and sisters. A government that rallies the armies of compassion to heal our nation's ills, one heart and one act of kindness at a time.'' I believe that the Neighbor to Neighbor Act does just that, and I urge my colleagues to join me in support of this legislation.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation along with Senator JEFFORDS that would extend the authority of the Department of Veterans Affairs Home Loan Guaranty Program for members of the Selected Reserve.

I am proud to be the author of the original legislation enacted in 1992 to extend eligibility for the VA Home Loan Guaranty Program to National Guard and Reserve members. Tens of thousands of dedicated reservists who served for at least six years, and continue to serve or have received an honorable discharge, have been able to fulfill their dream of home ownership through this program. The participation of Guard and Reserve members not only benefits these service members, but also stabilizes the financial viability of the program since this group has had a lower default rate than most other program participants. Furthermore, the program serves as an important recruiting incentive for the National Guard and Reserve.

In the 106th Congress, Senator JEFFORDS and I introduced legislation which resulted in the authorization for the program being extended through September 30, 2007. While this was a step in the right direction, using the benefit for a recruiting incentive will no longer be possible since the authority expires in six years and reservists are required to serve for at least six years before they qualify for VA-guaranteed loans. In order to continue using this program as a recruiting incentive for a few more years, I am introducing legislation along with Senator JEFFORDS that would extend the authority for the program through September 30, 2015.

The VA Home Loan Guaranty Program is an important component of a benefits package which makes Guard and Reserve service more attractive to qualified individuals. This is of particular importance during a time when the civilian sector is competing for the same pool of limited applicants, as well as when our military needs are becoming increasingly technical, demanding only the most intelligent, motivated, and competent individuals. An extension of the authority will assist the National Guard and Reserve with their recruitment efforts.

I urge my colleagues to support this measure which would recognize the vital contributions of National Guard and Reserve members to our country, as well as ensure that VA-guaranteed housing loans can continue to be used as a recruiting incentive.

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

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

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) of title 38, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2015''.

By Mr. INOUYE:

S. 782. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce the Americans with Disabilities Act, ADA, Notification Act. This bill would amend the ADA by including a notice requirement for violations of the ADA before a court could assume jurisdiction over the dispute. This would allow businesses the opportunity to bring properties into compliance without having to face costly litigation.

The ADA currently does not contain a notice requirement, but allows plaintiffs to sue owners of non-compliant businesses immediately. While the public accommodations provisions in Title III of the ADA do not allow plaintiffs to collect damages for violations of any of its access standards, they do permit lawyers to collect attorneys fees. The lack of a notice requirement has encouraged a number of lawyers to sue businesses over infractions that are inexpensive to remedy, but for which the businesses must pay costly plaintiffs' attorneys' fees and expenses.

I believe this legislation is a reasonable means to ensure that businesses will be given notice of violations of the ADA and the opportunity to comply with the ADA before costly litigation is begun. This would foster greater compliance with the ADA by allowing businesses to expend their resources on making their properties more accessible to the disabled, rather than on attorneys' fees.

Please be assured that I simply want to close a loophole in the ADA that unscrupulous lawyers have exploited. I do not suggest or approve of any changes to the ADA that would weaken its substantive requirements for reasonable accommodation to persons with disabilities. We must ensure that the progress begun more than a decade ago continues as we work to make public accommodations more accessible to everyone.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims' Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our cosponsors, Senators FEINGOLD, MURRAY, JOHNSON, SCHUMER and HARKIN. Our bill, the Crime Victims Assistance Act of 2001, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's Attorney in Chittenden County, VT, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims Witness Protection Act of 1982; the Victims of Crime Act of 1984; the Victims' Bill of Rights of 1990; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of 1996; the Victim Rights Clarification Act of 1997; the Victims with Disabilities Awareness Act of 1998;

and the Victims of Trafficking and Violence Protection Act of 2000.

The legislation that we introduce today, the Crime Victims Assistance Act of 2001, builds upon this progress. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. Our bill would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting.

Finally, the Crime Victims Assistance Act would make several significant amendments to the Victims of Crime Act, VOCA, and improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the Fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act replaces the cap with a formulaic approach, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

The Judiciary Committee has held several hearings over the last five years on a proposed constitutional amendment regarding crime victims. Unfortunately, the Committee has devoted not a minute to consideration of legislative initiatives like the Crime Victims Assistance Act, which Senator KENNEDY and I first introduced in the 105th Congress, to assist crime victims and better protect their rights. Like many other deserving initiatives, it has taken a back seat to the constitutional amendment debate that continues.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. One notable exception was the Victims of Trafficking and Violence Protection Act of 2000, which included a Leahy-Feinstein amendment dealing with support for victims of international terrorism. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I would like to acknowledge several individuals and organizations that have been extremely helpful with regards to the legislation that we are introducing today: Dan Eddy, National Association of Crime Victim Compensation Boards; Steve Derene, Wisconsin Department of Justice Office of Crime Victims Services; Susan Howley, National Center for Victims of Crime; and John Stein, National Organization for Victim Assistance. I would also like to thank Kathryn M. Turman, the Acting Director for the Office for Victims of Crime, and Heather Cartwright and Carolyn Hightower of that office, for their work on this project.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue, will join in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the RECORD.

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

S. 783

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 ''Crime Victims Assistance Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to consult concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Enhanced participatory rights at sentencing.
Sec. 106. Right to notice concerning sentence adjustment.
Sec. 107. Right to notice concerning discharge from psychiatric facility
Sec. 108. Right to notice concerning executive clemency.
Sec. 109. Procedures to promote compliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws.
Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 203. Restorative justice grants.
Sec. 204. Funding for Federal victim assistance personnel.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime victims fund.
Sec. 302. Crime victim compensation.
Sec. 303. Crime victim assistance.
Sec. 304. Victims of terrorism.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.

(a) RIGHT TO CONSULT CONCERNING DETENTION.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

''(2) A responsible official shall—

''(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender; and

''(B) consult with a victim prior to a detention hearing to obtain information that can

be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking ''and'' at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

''(4) the views of the victim; and''; and

(B) by adding at the end the following:

''(k) VIEWS OF THE VICTIM.—During a hearing under subsection (f), the judicial officer shall inquire of the attorney for the Government if the victim has been consulted on the issue of detention and the views of such victim, if any.''.

(2) in section 3156(a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term ''victim'' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).''.

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (as defined in section 10607(e)(2) of title 42, United States Code) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.

(a) RIGHT TO CONSULT CONCERNING PLEA.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) A responsible official shall make reasonable efforts to notify a victim of, and consider the views of a victim about, any proposed or contemplated plea agreement. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including—

''(A) the impact on public safety and risks to personal safety;

''(B) the number of victims;

''(C) the need for confidentiality, including whether the proposed plea involves confidential information or conditions;

''(D) whether time is of the essence in negotiating or entering a proposed plea; and

''(E) whether the victim is a possible witness in the case and the effect that relaying any information may have upon the right of the defendant to a fair trial.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivisions (g) and (h) as subdivisions (h) and (i), respectively; and

(2) by inserting after subdivision (f) the following:

''(g) VIEWS OF THE VICTIM.—Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making inquiry of the attorney for the Government if the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990) has been consulted on the issue of the plea and the views of such victim, if any.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENTS TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.

''(d) STANDING.—

''(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

''(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

''(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection may be appealed or petitioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for delaying a criminal proceeding.''.

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.— Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.

(a) VIEWS OF THE VICTIM.—Section 3553(a) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) the impact of the crime upon any victim of the offense as reflected in any victim impact statement and the views of any victim of the offense concerning punishment, if such statement or views are presented to the court; and''.

(b) ENHANCED RIGHT TO BE HEARD CONCERNING SENTENCE.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E), by striking ''if the sentence is to be imposed for a crime of violence or sexual abuse,''; and

(2) by amending subdivision (f) to read as follows:

''(f) DEFINITION. For purposes of this rule, 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

''(1) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

''(2) one or more family members or relatives designated by the court if the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations

described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (A) and inserting:

''(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;''.

SEC. 107. RIGHT TO NOTICE CONCERNING DISCHARGE FROM PSYCHIATRIC FACILITY.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (B) and inserting:

''(B) the escape, work release, furlough, discharge or conditional discharge, or any other form of release from custody of the offender, including an offender who was found not guilty by reason of insanity;''.

SEC. 108. RIGHT TO NOTICE CONCERNING EXECUTIVE CLEMENCY.

(a) NOTICE.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; and''.

(b) REPORTING REQUIREMENT.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

SEC. 109. PROCEDURES TO PROMOTE COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) and to ensure compliance by responsible officials with the obligations described in section 503 of that Act (42 U.S.C. 10607).

(b) CONTENTS.—The regulations promulgated under subsection (a) shall—

(1) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(2) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of victims of crime, and otherwise assist such employees and offices in responding more effectively to the needs of victims;

(3) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of victims of crime; and

(4) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE WITH STATE CRIME VICTIM'S RIGHTS LAWS.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE AUTHORITY.—The term ''compliance authority'' means one of the compliance authorities established and operated under a program under subsection (b) to enforce the rights of victims of crime.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office for Victims of Crime.

(3) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs in 5 States to establish and operate compliance authorities to enforce the rights of victims of crime.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a State to conduct a pilot program referred to in paragraph (1), which agreement shall provide for a grant to assist the State in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the compliance authority shall be established and operated in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a compliance authority under this section (including the applicable reporting duties under subsection (f) and the terms of the agreement), a compliance authority shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a compliance authority.

(c) OBJECTIVES.—

(1) MISSION.—The mission of a compliance authority established and operated under a pilot program under this section shall be to promote compliance and effective enforcement of State laws regarding the rights of victims of crime.

(2) DUTIES.—A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provision or violation of the rights of a crime victim; and

(B) issue findings following such investigations.

(3) OTHER DUTIES.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the rights of victims;

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the furtherance of the rights of victims;

(D) ensure a centralized location for victim services information;

(E) recommend changes in State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of proposals for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) a medical professional whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims; and

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime.

(e) PREFERENCE.—In awarding grants under this section, the Attorney General shall give preference to a State that provides legal standing to prosecutors and victims of crime to assert the rights of victims of crime.

(f) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Director may provide technical assistance and training to a State that receives a grant under this section to achieve the purposes of this section.

(2) ANNUAL REPORT.—Each State that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report that contains—

(A) a summary of the activities carried out under the grant and an assessment of the effectiveness of such activities in promoting compliance and effective implementation of the laws of that State regarding the rights of victims of crime;

(B) a strategic plan for the year following the year covered under subparagraph (A); and

(C) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are the subject of the pilot programs in carrying out the mission and duties described in subsection (c).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) GRANT PERIOD.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended, $8,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003, 2004, and 2005.

(2) EVALUATIONS.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses incurred in conducting the evaluations and preparing the report required by subsection (g).

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404C the following:

"SEC. 1404D. VICTIM NOTIFICATION GRANTS.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue on a timely and efficient basis.

''(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C)—

''(1) $10,000,000 for fiscal year 2002;

''(2) $5,000,000 for fiscal year 2003; and

''(3) $5,000,000 for fiscal year 2004.

''(d) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

SEC. 203. RESTORATIVE JUSTICE GRANTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404D, as added by section 202 of this Act, the following:

"SEC. 1404E. RESTORATIVE JUSTICE GRANTS.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) of this title to States, units of local government, tribal governments, and qualified private entities for the development and implementation of community-based restorative justice programs in juvenile justice systems.

''(b) COMMUNITY-BASED RESTORATIVE JUSTICE PROGRAM.—In this section, the term 'community-based restorative justice program' means a program based upon principles of restorative justice and a concern for maintaining offenders safely in the community.

''(c) MISSION.—The mission of a program developed and implemented under a grant under this section shall be to—

''(1) protect the community through processes in which individual victims, offenders, and the community are all active participants;

''(2) ensure accountability of the offenders to their victims and community; and

''(3) equip offenders with the skills needed to live responsibly and productively.

''(d) VOLUNTARY PROGRAMS.—A program funded under this section shall be fully voluntary for both victims and offenders.

''(e) REPORT.—The Office for Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $4,000,000 for each of fiscal years 2002, 2003, and 2004.

''(g) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

SEC. 204. FUNDING FOR FEDERAL VICTIM ASSISTANCE PERSONNEL.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to enable the Attorney General, through the Director of the Office for Victims of Crime, to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies.

(b) VICTIMS ASSISTANCE.—Employees retained pursuant to this section shall provide assistance to victims of criminal offenses investigated or prosecuted by a Federal law enforcement agency and otherwise improve services for the benefit of crime victims in the Federal system.

(c) ALLOCATION OF EMPLOYEES.—Full-time and full-time equivalent employees retained pursuant to this section shall be assigned by the Director of the Office for Victims of Crime, as needed, in Federal law enforcement agencies, including—

(1) 170 to the United States Attorneys Offices; and

(2) 120 to the Federal Bureau of Investigation in field offices in Indian country (as defined in section 1151 of title 18, United States Code) and other field offices that handle investigations involving large numbers of victims, and in the Headquarters Divisions.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

SEC. 301. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended—

(1) in the second sentence—

(A) by striking ''made available for obligation by Congress'' and inserting ''obligated''; and

(B) by inserting ''in reserve'' after ''shall remain''; and

(2) by adding at the end the following: ''Subject to the availability of money in the Fund, the Director shall make available pursuant to this Act, not less than 90 percent nor more than 110 percent of the total amount of funds made available for obligation in the previous fiscal year.''.

(c) FUNDING FOR VICTIM ASSISTANCE PERSONNEL.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is repealed.

(d) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(2) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(3) in subparagraph (C), by striking ''3'' and inserting ''5''.

(e) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

''(4)(A) Notwithstanding subsection (c), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund as an antiterrorism emergency reserve fund. The Director may replenish any amounts expended in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year.

''(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B (42 U.S.C. 10603b) and to provide compensation to victims of international terrorism under section 1404C (42 U.S.C. 10603c).''.

SEC. 302. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended—

(1) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(2) in paragraph (3), by striking ''5'' and inserting ''10''.

(b) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

''(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law, for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(c) CONFORMING AMENDMENT.—Section 1403(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(4)) is amended by inserting ''the United States Virgin Islands,'' after ''the Commonwealth of Puerto Rico,''.

SEC. 303. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section

1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

''(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).''.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.''.

(c) ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by striking ''5'' and inserting ''10''.

(d) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting '', program evaluation, compliance efforts,'' after ''demonstration projects''.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''.

SEC. 304. VICTIMS OF TERRORISM.

(a) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking ''who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986''.

(b) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: ''The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

CRIME VICTIMS ASSISTANCE ACT OF 2001—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Crime Victims Assistance Act of 2001 represents an important step in Congress's continuing efforts to provide assistance and afford respect to victims of crime. The bill would accomplish three major goals. First, it would provide enhanced rights and protections for victims of federal crimes. Second, it would assist victims of State crimes through grant programs designed to promote compliance with State victim's rights laws. Third, it would make several significant amendments to the Victims of Crime Act and improve the manner in which the Crime Victims Fund is managed and preserved.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 107. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 108. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 109. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the federal system.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Authorizes appropriations to make grants for these pilot programs.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes appropriations for grants to develop and implement crime victim notification systems.

Sec. 203. Restorative justice grants. Authorizes appropriations for grants to develop and implement community-based restorative justice programs in juvenile court settings.

Sec. 204. Funding for federal victim assistance personnel. Authorizes appropriations to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies. These positions are currently funded with money from the Crime Victims Fund.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime Victims Fund. Replaces the annual cap on the Fund with a formula that ensures stability in the amounts distributed to the States, while preserving the amounts remaining in the Fund for use in future years. Discontinues the practice of using Fund money to pay for victim assistance positions in certain federal agencies; these positions would now be funded through direct appropriations under section 204. Increases the portion of the Fund that shall be available to OVC for discretionary victim assistance grants and for assistance to victims of federal crime. Permits OVC to retain a maximum of $50 million in an antiterrorism emergency reserve that can be replenished with up to 5 percent of the amounts retained in the Fund after the annual Fund distribution.

Sec. 302. Crime victim compensation. Increases from 40 to 60 percent the minimum threshold for the annual grant to State crime victim compensation programs. Clarifies that a payment of compensation to a victim shall not reduce the amount of assistance available to that victim under other government programs.

Sec. 303. Crime victim assistance. Authorizes States to give VOCA funds to U.S. Attorney's Offices in jurisdictions where the U.S. Attorney is the local prosecutor. Prohibits State crime victim assistance programs that receive VOCA grants from discriminating against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case. Authorizes OVC to make grants to eligible crime victim assistance programs for program evaluation and compliance efforts. Allows OVC to use funds for fellowships and clinical internships and to carry out training programs.

Sec. 304. Victims of Terrorism. Technical amendment to section 2003 of the Trafficking Victims Protection Act of 2000 (PL 106–386), which inadvertently reversed the existing exclusion under VOCA of individuals eligible for other federal compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (ODSA). The exclusion of individuals eligible for compensation under ODSA should have been applied to section 1404C of VOCA, which covers direct compensation to victims of international terrorism, and not to section 1404B, which covers assistance to victims of terrorism.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses any individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited

carryovers; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I am today introducing legislation that would soften the blow that many investors have felt as the stock market has declined. My bill would raise the capital loss limit that can be applied against ordinary income. Currently, the limit is $3,000. Under my proposal, the limit would rise to $20,000. Moreover, my legislation allows individual taxpayers to carryback capital losses three years to offset prior capital gains.

This bill reflects the reality of what has happened to many millions of investors. In the past year, more than $4.5 trillion of wealth has been wiped out as our economy has slowed and the markets have declined. For many investors, when they file their taxes next year, they are going to find that if they have no offsetting gains they are only going to be allowed to write off $3,000 of their loss. Of course, they can carry forward that loss. But for an investor who has net capital losses of $20,000 this year he or she will not be able to completely write off that investment loss until 2007, assuming no future capital gains. With $40,000 of losses, it would take until 2014 to write off those losses.

The capital loss/ordinary income limit has been in place since 1976. It seems to me that with 25 years of inflation, that $3,000 limit is far too low. Moreover, I have always believed that if we want to encourage investors to take financial risks investing in new frontier technologies, we should cushion the financial blow when the venture does not succeed. The best way to do that is to allow them to write off a greater portion of their loss immediately.

The bill also allows individuals the opportunity to carry back losses in the same fashion that is allowed to corporations. If their capital losses exceed their capital gains they would be able to carry those losses back three years to offset capital gains incurred in prior years. While I recognize that this may create some complexity for taxpayers since it would require the filing of amended returns, I believe it is an appropriate and fair way to deal with capital losses. If a corporation can take advantage of this benefit, it seems only fair to give that same benefit to individuals.

I would certainly like to see the capital gains rate lowered. But as one Wall Street executive recently was quoted: ''The last time I looked, you had to have gains for this to make any difference.'' I certainly think the proposal I have offered would certainly make a difference to many millions of taxpayers who have suffered grievous losses in the market this year.

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. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) INCREASE IN LIMITATION ON LOSSES ALLOWABLE AGAINST ORDINARY INCOME.—Section 1211(b)(1) of the Internal Revenue Code of 1986 (relating to limitation on capital losses of taxpayers other than corporations) is amended—

(1) by striking ''$3,000'' and inserting ''$20,000'', and

(2) by striking ''$1,500'' and inserting ''$10,000''.

(b) CARRYBACK AND CARRYOVERS OF CAPITAL LOSSES.—Section 1212(b)(1) of the Internal Revenue Code of 1986 (relating to capital loss carrybacks and carryovers of taxpayers other than corporations) is amended to read as follows:

''(1) CARRYBACKS AND CARRYOVERS.—

''(A) IN GENERAL.—If a taxpayer other than a corporation has a net capital loss for any taxable year (the 'loss year')—

''(i) the excess of the net short-term capital loss over the net long-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years preceding the loss year and a capital loss carryover to each taxable year succeeding the loss year, and shall be treated as a short-term capital loss in each such taxable year, and

''(ii) the excess of the net long-term capital loss over the net short-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years preceding the loss year and a capital loss carryover to each taxable year succeeding the loss year, and shall be treated as a long-term capital loss in each of such taxable years.

''(B) AMOUNT CARRIED TO EACH TAXABLE YEAR.—The entire amount of the loss which may be carried to another taxable year under subparagraph (A) shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of such loss which may be carried to any other taxable year shall be the excess (if any) of such loss over the portion of such loss which, after application of subparagraph (C), was allowed as a carryback or carryover to any prior taxable year.

''(C) AMOUNT WHICH MAY BE USED.—An amount shall be allowed as a carryback or carryover from a loss year to another taxable year only to the extent—

''(i) such amount does not exceed the excess (if any) of—

''(I) the sum of the losses from the sale or exchange of capital assets in such other taxable year plus losses carried under this paragraph to such other taxable year from taxable years prior to such loss year, over

''(II) gains from such sales or exchanges in such other taxable year, and

''(ii) the allowance of such carryback or carryover does not increase or produce a net operating loss (as defined in section 172(c)) for such other taxable year.''

(c) CONFORMING AMENDMENTS.—

(1) Section 1212(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''subparagraph (A) or (B) of paragraph (1)'' and inserting ''clause (i) or (ii) of paragraph (1)(A)''.

(2) Section 1212 of such Code is amended by striking subsection (c).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to capital losses arising in taxable years beginning after December 31, 2000.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance

Mr. GREGG. Mr. President, the purpose of the Conflict Diamonds Act of 2001 is to eliminate the illegal diamond trade that has fueled violent conflicts in the African nations of Sierra Leone, Liberia, Congo, Angola, Ivory Coast, and Burkina Faso. The sale of illicit diamonds has allowed criminal gangs like the Revolutionary United Front in Sierra Leone to buy arms and supplies in an effort to expand their influence. In the process, they have inflicted unspeakable pain, including torture and amputation, on the innocent people they encounter.

The Conflict Diamonds Act of 2001 bans the importation into the United States of diamonds from countries that fail to observe an effective diamond control system. Under this legislation, no diamond that has ever been in the possession of the RUF or any other rebel group will be allowed to enter the United States. This includes diamonds that pass through another country for cutting or setting. The Conflict Diamonds Act of 2001 authorizes the President of the United States to ban the importation of diamonds and diamond jewelry from countries if he believes that shipments from those countries violate the legislation's intent. Those who knowingly violate the import ban would be subject to criminal and civil penalties under existing U.S. Customs law. The Customs Service would be authorized to seize illicit shipments. The import ban would take effect six months after enactment, regardless of the status of negotiations for an international agreement.

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. 787

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 ''Conflict Diamonds Act of 2001.

TITLE I—PROHIBITION ON IMPORTATION OF CONFLICT DIAMONDS

SEC. 101. FINDINGS.

The Congress finds that—

(1) The use of funds from illegitimate diamond trade to support conflicts in Africa has had devastating effects on the peoples of the regions involved in those conflicts;

(2) U.N. Security Council Resolution 1173 of June 12, 1998 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation from Angola to their territory of all diamonds that are not controlled through the Certificate of Origin regime of the Government of Unity and National Reconciliation (GURN);

(3) U.N. Security Council Resolution 1306 of July 5, 2000 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation of all rough diamonds from Sierra Leone into their territory that are not controlled by the Government of Sierra Leone through its Certificate of Origin regime;

(4) U.N. Security Council Resolution 1344 of March 8, 2001 requires the United States and all other U.N. members to take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia;

(5) Effective compliance with U.N. Security Council Resolutions 1173, 1306, and 1344 is necessary to eliminate trade in conflict diamonds;

(6) Although the President of the United States has issued Executive Orders to implement Resolution 1173 and Resolution 1306, additional measures are needed to ensure compliance with, and prevent circumvention of, those resolutions;

(7) Further measures are needed to prevent rough diamonds originating in other rebel-controlled conflict areas from entering the global stream of commerce in which legitimate diamonds are sold;

(8) The resolution of the United Nations General Assembly approved on December 1, 2000 provides important guidance on devising effective and pragmatic measures to address the problem of conflict diamonds; and,

(9) Since legitimate diamond trade is of great economic importance to developing countries in Africa, no law should be enacted, nor regulation or other measure implemented, that would impede legitimate diamond trade or diminish confidence in the integrity of the legitimate diamond industry.

SEC. 102. DEFINITIONS.

(a) The term ''diamond'' means a natural mineral consisting of essentially pure carbon crystallized in the isometric system with a hardness of 10 on the Mohs scale, a specific gravity of approximately 3.52, and a refractive index of 2.42.

(b) The term ''rough diamond'' means a diamond that is unworked or simply sawn, cleaved or bruted, as described in Harmonized Tariff Schedule of the United States subheading 7102.31.0000.

(c) The term ''conflict diamond'' means a diamond that has at any time been in the possession of any person belonging to or associated with armed insurgents, rebel forces, or any other movement using violence against civilians or internationally recognized governments.

SEC. 103. RESTRICTIONS ON THE IMPORTATION OF DIAMONDS.

(a) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond, including any diamond set in jewelry, that has been mined in, or mined and set in, and exported directly from, the Republic of Sierra Leone, the Republic of Angola, or the Republic of Liberia except for a diamond or a diamond set in jewelry:

(1) the country of origin of which has been certified as the Republic of Sierra Leone by the internationally recognized government of that country, in accordance with United Nations Security Council Resolution 1306 of July 5, 2000; or

(2) the country of origin of which has been certified as the Republic of Angola by the internationally recognized government of that country, in accordance with United Nations Security Council Resolution 1173 of June 12, 1998.

(b) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond directly from a country that: is subject to a United Nations Security Council resolution similar to those identified in subsection (a) or that is not a signatory to an international agreement that establishes a certification system for exports and imports of rough diamonds, that has not unilaterally implemented such a system, or that is not a ''cooperating country'' as defined in subsection (c) of section 105 of this Act.

SEC. 104. PROHIBITION OF OTHER IMPORTS TO PREVENT CIRCUMVENTION OF U.N. RESOLUTIONS.

The President of the United States is authorized to prohibit the importation of diamonds or diamond jewelry exported from any country except for rough diamonds whose country of origin has been certified as either the Republic of Angola or the Republic of Sierra Leone under the Certificate of Origin regimes described in section 103 (a) (1) or (2), if there are reasonable grounds to believe that such prohibition is necessary to carry out U.N. Security Council Resolution 1173, 1306, or 1344, or any other Resolution banning the exportation or importation of conflict diamonds.

SEC. 105. IMPLEMENTING MEASURES.

(a) The Secretary of the Treasury of the United States is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act. The public will be notified and given an opportunity of at least 30 days to comment on all proposed rules and regulations before they take effect.

(b) These regulations will provide that an importer is entitled to rely on the country of origin marking that is required under 19 U.S.C. §1304. However, nothing in this Act shall be construed to override an importer's duty to exercise reasonable care.

(c) No later than six months after the date of enactment of this Act, the Secretary of the Treasury will issue a list of countries that are signatories to the international agreement described in Title II, have unilaterally implemented a certification system containing the elements described in subsection (b) of section 203, or are found to be ''cooperating'' countries as defined in this subsection. The Secretary of the Treasury will revise and update this list as necessary. For purposes of this subsection, the Secretary of the Treasury will find that a country is ''cooperating'' if it is acting in good faith to establish and enforce a unilateral certification system meeting the standards described in subsection (b) of section 203 or taking action to ensure that it is not facilitating trade in conflict diamonds. The Secretary of the Treasury, in consultation with appropriate agencies, shall develop and publish criteria that will be used to evaluate whether a country will be deemed a cooperating country. These criteria will be subject to public notice and comment before adoption in final form.

(d) The Secretary of the Treasury may extend cooperating country status for more than six months after the initial designation, but shall provide to Congress an explanation of the reasons for why such an extension is necessary.

(e) The President of the United States shall ensure that implementation of and compliance with Title I of this Act is monitored by appropriate agencies or by an independent body.

SEC. 106. PENALTIES FOR NON-COMPLIANCE.

(a) CIVIL AND CRIMINAL PENALTIES.—Any person who enters or introduces into the commerce of the United States, attempts to enter or introduce, or aids or abets an attempt to enter or introduce, merchandise in violation of Title I of this Act or the implementing regulations for Title I will be subject to civil and criminal penalties in effect under the customs laws of the United States, as set forth in Title 19 of the United States Code. The same administrative procedures and defenses that apply under Title 19 of the United States Code will apply to penalties that are sought to be assessed under this subsection.

(b) SEIZURE.—If the Customs Service has reasonable cause to believe that a person has violated the provisions of subsection (a) of this section and that seizure is essential to prevent the introduction of merchandise into the customs territory of the United States whose importation is prohibited by Title I of this Act, then such merchandise may be seized. Within a reasonable time after any such seizure is made, the Customs Service will issue to the person concerned a written statement containing the reasons for the seizure. A person may seek relief from seizure under the procedures and standards prescribed in 19 U.S.C. §1618 and the Customs Service regulations that implement that provision.

(c) COURT OF INTERNATIONAL TRADE PROCEEDINGS.—

(1) JURISDICTION.—Section 1582 of Title 28, United States Code, is amended by amending paragraph (1) to read as follows:

''(1) to recover a civil penalty under section 592, 593A, 641(b)(6), 641(d)(2)(A), 704(i)(2), or 734(i)(2) of the Tariff Act of 1930.

(2) STANDARD OF REVIEW.—Notwithstanding any other provision of law, in any proceeding commenced by the United States in the Court of International Trade for the recovery of any monetary penalty under this section, all issues, including the amount of any penalty, shall be tried de novo.

(d) PROCEEDS FROM FINES AND SEIZED GOODS.—The proceeds derived from penalties and seizures under Title I of this Act will, in addition to amounts otherwise available for such purposes, be available only for programs to assist the victims of conflicts involving illicitly traded diamonds.

SEC. 107. REPORT TO CONGRESS.

The President of the United States will report to Congress no later than 180 days after enactment of this Act and annually thereafter on the implementing measures taken to carry out the provisions of this Title and their effectiveness in stopping imports of conflict diamonds into the United States.

TITLE II—NEGOTIATION OF AN INTERNATIONAL AGREEMENT TO ELIMINATE TRADE IN CONFLICT DIAMONDS

SEC. 201. FINDINGS.

The Congress finds that—

(1) The most effective and desirable means of eliminating international trade in conflict diamonds is through international cooperative efforts involving governments, the private sector, civil society, and appropriate international organizations;

(2) The initiatives of the world diamond industry, as reflected in the Resolution of the World Federation of Diamond Bourses and the International Diamond Manufacturers Association in Antwerp on July 19, 2000, as well as the efforts of the South African-led Working Group on African Diamonds and the World Diamond Council in developing proposals for a global certification system for rough diamonds, are important efforts at international cooperation and may provide effective mechanisms that could be incorporated in an international agreement to eliminate trade in conflict diamonds;

(3) Eliminating imports of rough diamonds from countries where conflict diamonds are mined, transshipped, or subsequently shipped into countries where cutting and polishing occur is the most effective way to eliminate trade in conflict diamonds;

SEC. 202. SENSE OF CONGRESS—NEGOTIATION OF INTERNATIONAL AGREEMENT.

It is the sense of the Congress that the President should engage in negotiations on and seek to conclude an international agreement to eliminate trade in conflict diamonds as soon as possible. The system implementing this agreement shall be transparent and subject to independent verification and monitoring. Participants in such an agreement should include all countries that either export or import diamonds or diamond jewelry.

SEC. 203. OVERALL NEGOTIATING OBJECTIVE OF THE UNITED STATES AND ESSENTIAL ELEMENTS OF AN INTERNATIONAL AGREEMENT.

(a) The overall negotiating objective of the United States is to establish an effective global certification system covering the major exporting and importing countries of rough diamonds that will eliminate trade in conflict diamonds.

(b) The elements of an effective global certification system for rough diamonds that the United States should seek in its negotiations are as follows:

(1) Rough diamonds, when exported from the country in which they were extracted, must be sealed in a secure, transparent container or bag by appropriate government officials of that country;

(2) The sealed container described in paragraph (1) must include a fully visible government document certifying the country of extraction and recording a unique export registration number and the total carat weight of the rough diamonds enclosed;

(3) A database containing information described in paragraph (2) must be established for rough diamond exports in each exporting country, including countries engaged in the re-export of rough diamonds;

(4) No country may allow importation of rough diamonds unless they are sealed in a secure, transparent container that includes a fully visible document that states a unique export registration number for such container and the total carat weight of the rough diamonds enclosed. The legitimacy of such document must be verified by electronic or other reliable means with the database maintained in the country of export.

(5) Provisions shall be made for physical inspection of sealed containers of rough diamonds by appropriate authorities.

(6) Diamonds may be freely imported and exported from a country that implements and enforces a rough diamond certification system that contains the elements specified in paragraphs (1) through (5), or a system that is its functional equivalent, provided that the country of extraction need only be specified when rough diamonds are exported from such country and need not be specified when rough diamonds are exported from a country that implements and enforces such a rough diamond certification system.

SEC. 204. CONSULTATIONS WITH CONGRESS.

The President of the United States shall consult periodically with Congress in developing and negotiating proposals for an international agreement as described in sections 202 and 203.

SEC. 205. REPORT TO CONGRESS.

The President of the United States will provide a written report to Congress no later than 180 days after enactment of this Act and annually thereafter on the progress made towards concluding an international agreement and the progress of the signatories to that agreement in implementing it, including which countries are not implementing it and the effects of their actions on trade in conflict diamonds. Each report shall also describe any technological advances that permit determining a diamond's origin, marking a diamond, and tracking it.

SEC. 206. IMPLEMENTING LEGISLATION.

The President of the United States will submit to Congress a draft bill implementing the provisions of any agreement that is negotiated no later than 60 calendar days after entering into that agreement.

SEC. 207. EFFECTIVE DATE.

Title I will apply with respect to articles entered, or withdrawn from warehouse for consumption, six months after the date of enactment of this Act. Title II will take effect on the date of enactment of this Act.

TITLE III—OTHER PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Such sums as may be necessary are hereby authorized to be appropriated to implement the provisions of this Act, including such sums as are necessary to assist the governments of Sierra Leone and Angola to establish and maintain a diamond certification system.

SEC. 302. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, it is the intent of Congress that the remainder of this Act and application of such provision to other persons or circumstances will not be affected thereby.

SEC. 303. GAO REPORT.

The General Accounting Office shall report to Congress on the effectiveness of this Act no later than three years after the date of enactment of this Act.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

Mr. HUTCHINSON. Mr. President, today I am introducing a bill that will provide military personnel the ability to provide for the education of their spouses and children in return for their commitment to continue to serve in the armed forces.

The purpose of this bill is to promote retention of members of the armed forces in critical specialties by establishing a bonus savings plan that will provide significant resources for meeting the expenses encountered by service members in providing for the education of members of their families.

I met with the Senior Enlisted Advisors of the four armed services and the Coast Guard. These Senior Enlisted Advisors are the top enlisted person in their respective services. Their job is to advise the Service Chief on matters pertaining to enlisted personnel. These experienced senior leaders are among the most significant resources available to the generals and admirals, and those of us here in Congress, as we seek answers to questions on recruiting, retention, and quality of life. These enlisted leaders know first-hand and fully understand the life, the demands on and concerns of enlisted personnel in their services.

In my meeting with the Senior Enlisted Advisors, I sought their insight on what factors enlisted service members consider when making that critical decision as to whether to continue their active service or leave the military. I found myself talking to the very people who have faced the stress of these decisions; who have sat with their spouses and families and discussed whether to stay in the military or leave and seek a career outside the military. They were very frank and candid in their discussions.

One thing I learned is that, like many of us, enlisted service members share the goal of giving their children better opportunities than they had. To a person, the Senior Enlisted Advisors said that being able to provide educational opportunities for their families is an important goal and would be a powerful retention tool.

My bill will provide enlisted service members in critical specialties, who agree to serve a six-year term, resources that can be applied to cover the expenses of higher education for their families. Let me explain how this will work.

Service members, officers or enlisted, in critical specialties, who reenlist or extend their service commitment for six years will receive United States Savings Bonds that can be redeemed to cover educational expenses. When these Savings Bonds are redeemed to cover educational costs, the income, under the current tax code, is tax exempt. My bill does not modify the tax code. My proposal will take advantage of current tax law as it pertains to United States Savings Bonds used for educational purposes.

Military personnel who have less than three years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $5,000. For those service members who have between three and nine years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $15,000. Those members with more than nine years of service who reenlist or extend their commitment will receive Savings Bonds with a face value of $30,000.

A Service Member who reenlists at the two-year point and receives $5,000 in Savings Bonds subsequently reenlists at the end of his six-year commitment—now with eight years of service—would receive an additional $10,000 in Savings Bonds, for a total of $15,000. This service member could reenlist again at the conclusion of the second six-year term,—now in his 14th year—and would receive an additional $15,000 for a career total of $30,000 in United States Savings Bonds that can be used for educational purposes. All tax free.

My bill will provide military personnel the capability to provide for the education of their spouses and children while investing in America.

I am introducing this bill today to enhance the benefits President Bush announced at Fort Stewart, Georgia, on Monday. The President announced that his budget will include $5.7 billion in additional benefits for military personnel; $1.4 billion to increase military

pay and allowances; $3.9 billion for military health care; and $0.4 billion for improvements to military housing. These increases are much needed and the announcement was enthusiastically received by the men and women at Fort Stewart, Georgia who know the sacrifices they are required to make in service of their country. My bill enhances President Bush's initiatives by providing educational opportunities that are unavailable today to the children of military personnel. I will hold hearings later this year in the Armed Services Committee to further develop each of these initiatives.

My bill furthers the educational opportunities for military families, increases military readiness by retaining the highly-trained and experienced military personnel we need to continue to be the preeminent military force in the world, and accomplished these lofty goals by investing in America. I urge my colleagues to examine my bill and join Senator WARNER and I as cosponsors of this important initiative.

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. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to promote the retention of members of the Armed Forces in critical specialties by establishing a bonus savings plan that provides significant resources for meeting the expenses encountered by the members in providing for the education of the members of their families and other contingencies.

SEC. 2. EDUCATION SAVINGS PLAN FOR REENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 323. Incentive bonus: savings plan for education expenses and other contingencies

''(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned shall purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

''(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

''(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

''(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

''(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

''(1) is not less than six years; and

''(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

''(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

''(1) in the case of an enlisted member, a reenlistment; and

''(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

''(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds purchased for a member under this section for a commitment shall be as follows:

''(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

''(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

''(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

''(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit payable for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

''(1) the purchase price of the United States savings bonds; and

''(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

''(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

''(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

''(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such reenlistment or other agreement from a debt arising under the reenlistment or agreement, respectively, or this subsection.

''(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit provided under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''323. Incentive bonus: savings plan for education and other contingencies.''.

(b) EFFECTIVE DATE.—Section 323 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in that section) that are entered into on or after that date.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce the Video Teleconferencing Improvements Act. This bill will expand the use of video teleconferencing in criminal court matters, and promote a safer and more efficient federal court system.

The federal courtroom, just like all society, is benefiting from constant advances in technology today. Video teleconferencing is one example of this movement. It allows proceedings to operate more efficiently and at lower costs, while maintaining many of the benefits of communicating in person.

The use of video teleconferencing is becoming increasingly common in federal district and appellate courts for various proceedings, such as prisoner civil rights complaints and certain appellate matters. The state courts are also benefiting from video technology in many ways, including for pretrial criminal proceedings. However, in federal court, the use of this technology in criminal matters is almost nonexistent because the federal rules apparently require the defendant's physical presence in court.

This legislation would amend the Federal Rules of Criminal Procedure to allow the judge to hold pretrial proceedings, including the defendant's arraignment and initial appearance, through video teleconferencing. It would also allow for the sentencing to occur in this manner in special, limited circumstances.

Today, some districts have extremely high volumes of criminal cases that they must process. This is especially true in the Border States, where the number of immigrants who are caught crossing the Mexican Border or committing crimes in the United States has skyrocketed and continues to rise. This creates a great burden and expense on the Marshals Service, which must transport the prisoners, often for very long distances from the holding facility to a far away courthouse. This type of transportation in creases the possibility for escape and can create a security risk for law enforcement, court personnel, and the public.

Pretrial proceedings are often very short and routine. If they can be conducted through video, the inmates can stay at the secure facility, greatly decreasing risk and costs. If Marshals could spend less time on other duties, such as apprehending dangerous fugitives from justice. Moreover, this process would help the courts efficiently manage their increasing caseloads.

Similarly, I believe that video teleconferencing could be very important for sentencing defendants in certain limited circumstances. This is especially true when there is a safety or security risk in transporting the prisoner to the courthouse.

For example, in an ongoing case in South Carolina, a dangerous repeat offender was sentenced to a long prison term at the maximum security federal prison in Florence, Colorado. However, the court of appeals required that he be sentenced again. The Federal Bureau of Prisons considered him a danger to transport. He had a long history of psychiatric problems and violent behavior, including repeatedly assaulting prison guards and other inmates. In this case, he had even threatened the sentencing judge and the Assistant U.S. Attorney. Rather than transporting the prisoner back to South Carolina, the judge resentenced him by video teleconferencing. However, the case is now on appeal, and there is legal precedent not allowing this practice. In my view, there is simply no reason why a judge should be prohibited from sentencing by video in these circumstances.

This legislation is not an attempt to eliminate criminal defendants from appearing in person before the judge. Defendants would still be in court for all phases of the trial, which this bill would not effect. In fact, criminal trials must be conducted in person because the accused has the constitutional right to confront the witnesses against him. Further, even with these changes, the judge would maintain the authority to hold any pretrial or sentencing proceeding in person if he wished. This bill would simply give him the authority to conduct certain routine matters, other than the trial, through video teleconferencing.

The Rules Committee of the Judicial Conference has been considering this video technology for some time, and recently proposed some of the specific changes that are included in this legislation. I hope they will provide judges discretion to conduct pretrial proceedings by video teleconference, and go even further than the formal proposals that they have considered to date.

My legislation will help eliminate legal impediments to the reasonable use of video teleconferencing and help courts take advantage of new technology. These reforms are needed today.

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. 791

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 ''Video Teleconferencing Improvements Act of 2001''.

SEC. 2. AUTHORIZATION OF VIDEO TELECONFERENCING FOR THE INITIAL APPEARANCE.

Rule 5 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(d) VIDEO TELECONFERENCING.—Video teleconferencing may be used to conduct an appearance under this rule.''.

SEC. 3. AUTHORIZATION OF VIDEO TELECONFERENCING FOR THE ARRAIGNMENT.

Rule 10 of the Federal Rules of Criminal Procedure is amended—

(1) by striking ''Arraignment'' and inserting ''(a) IN GENERAL.—Arraignment''; and

(2) by adding at the end the following:

''(b) VIDEO TELECONFERENCING.—Video teleconferencing may be used to arraign a defendant.''.

SEC. 4. AUTHORIZATION OF VIDEO TELECONFERENCING FOR CERTAIN PROCEEDINGS.

Rule 43 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (a), by striking ''The'' and inserting ''Except as otherwise provided in this rule, Rule 5, or Rule 10, the'';

(2) in subsection (c)—

(A) in paragraph (3), by striking ''or'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(5) when—

''(A) the proceeding is the sentencing hearing; and

''(B)(i) the defendant, in writing, waives the right to be present in court; or

''(ii) the court finds, for good cause shown in exceptional circumstances and upon appropriate safeguards, that communication with a defendant (who is not physically present before the court) by video teleconferencing is an adequate substitute for the physical presence of the defendant.''.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall apply to a criminal complaint filed after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today to join with Senators KOHL, CLINTON, and BYRD today in introducing legislation to stop the entertainment industry from deceptively marketing adult-rated material to children, legislation that hopefully will make the hard job of raising kids in today's culture a little easier for America's parents.

As my colleagues may recall, Federal Trade Commission released a groundbreaking report last fall documenting the seriousness of this problem. Specifically, the FTC found that the movie, music, and video game industries had been routinely and aggressively targeting the sale of heavily-violent, adult-rated products to children. Some companies were going so far as to conduct focus groups for R-rated slasher films with 9- and 10-year olds and to pass out promotional materials for other violent R-rated movies at Campfire Girl meetings and Boys and Girls Clubs.

This report engendered a lot of outrage, and with good reason. These industries were making a mockery of the ratings systems that they had created and promoted. They were also making an end run around America's parents, in effect cutting out the middle mom and dad to target violent, harmful materials directly to children. The report also generated a number of promises from the offending industries to change their ways and strengthen their self-regulatory programs.

This week, the FTC released a follow-up report to evaluate how well the entertainment industry has done in keeping its promises, and there was some encouraging news. The FTC found in their snapshot survey that the movie and video game industries had made real progress in limiting their advertising in popular teen venues and in providing more rating information in their marketing.

Other independent analyses show similarly encouraging results. Ad revenues for R-rated films on MTV are apparently declining. Disney, Warner Brothers, and Fox have pledged not to market R-rated movies to children. And several other studios have decided against making or distributing heavily-violent movies that were once regularly targeted at kids.

I appreciate these steps, which may well result in reduced revenues for some of these companies, and which show that our government can work on behalf of parents to prod the entertainment industry to draw some lines to protect our children without approaching censorship.

But much as I appreciate this progress, I cannot really give a full-blow hooray for Hollywood, because the FTC report makes clear that this problem has not been solved. Some video game makers and movie studios, including those that have pledged not to unfairly target kids, are still advertising adult-rated products in places popular with young teens. And the leading music companies and their trade group, the RIAA, have sadly been MIA, doing little if anything to respond to the FTC report and curb the marketing of obscenity-laced records to kids.

I am also concerned about the future. The FTC rightly recommended that the lasting solution to this problem is responsible self-regulation, specifically, uniform policies adopted by the entertainment industry prohibiting the targeting of adult-rated material to children and meaningful sanctions to enforce those standards. Unfortunately,

to date only the video game industry has agreed, and commendably so, to meet this recommendation and truly police themselves. That means there is no permanent mechanism of accountability for the movie and music industries, no ongoing norm or standard that says it is wrong to market adult-rated material to children. And I fear that the competitive pressures in these markets are so intense that they will once again lead companies to do exactly that once the scrutiny goes away.

That is why I feel we must go forward with a legislative response. The bill we are introducing today would provide a narrowly-tailored shield to help protect our children from this kind of unfair and unhealthy targeting. It would treat the marketing of adult-rated movies, music recordings, and video games to children like any other deceptive act that harms consumers, and give the FTC the same authority it has under the current false and deceptive advertising laws to bring actions against companies that engage in deceptive practices. In particular, it would give the FTC the authority to penalize companies that violate this provision with civil fines of up to $11,000 per offense.

Some will claim this is censorship. But the truth is we're not empowering the FTC to regulate content in any way or even to make judgments about what products are appropriate for children. We are simply saying that if you voluntarily label a product as being unsuitable for kids, and then turn around and market it in a way that directly contradicts that rating, you should be held accountable, just like any other company that misleads consumers. That's not censorship, that's common sense.

The bottom line here is that the First Amendment is not a license to deceive. And this legislation translates that important principle into policy. It says to the people who run the entertainment industry that they cannot have it both ways. They cannot label their products for adults and target them to kids. And they cannot continue to undermine their ratings and undercut the authority of parents.

I ask my colleagues today on both sides of the aisle for their support on this bill and the ongoing effort to help protect their children from harmful media messages. I thank the chair, and ask unanimous consent that my statement and bill be included in the RECORD.

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

S. 792

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 ''Media Marketing Accountability Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have easy access to a variety of media and entertainment options without leaving their own homes. The vast majority of homes with children have a VCR, a CD player, and either a video game console or a personal computer.

(2) Children, and especially teenagers, spend a large amount of time listening to music, seeing movies, and playing video games. Specifically:

(A) Children ages 8 through 13 spend approximately 3 hours per week in a movie theater, on average. In addition, 62 percent of children ages 9 through 17 spent an average of 52 minutes per day watching video tapes.

(B) 82 percent of children play video games, and do so for 33 minutes per day, on average.

(C) Children ages 14 through 18 listen to music approximately 2½ hours per day on average.

(3) Teenagers spend tens of millions of dollars annually on movies, music, and video games, making them a highly valuable demographic group to the producers and distributors of entertainment products.

(4) Media violence can be harmful to children. Most scholarly studies on the impact of media violence find a high correlation between exposure to violent content and aggressive or violent behavior. Additional studies find a high correlation between exposure to violent content and a desensitization to and acceptance of violence in society.

(5) On September 11, 2000, the Federal Trade Commission reported that companies in the music, movie, and video game industries routinely target children under age 17 in the advertisement of adult-rated products. Specifically:

(A) The Commission found that 80 percent of the R-rated movies studied had been targeted to children. In addition, marketing plans for 64 percent of the R-rated movies studied explicitly mentioned children under age 17 as part of the target audience.

(B) The Commission found that all marketing plans for music recordings with explicit content labels either explicitly mentioned children under age 17 as part of the target audience or called for ad placement in media that would reach a majority or substantial percentage of children under age 17.

(C) The Commission found that 70 percent of Mature-rated video games studied were targeted to children under age 17, and 51 percent explicitly mentioned children under age 17 as part of the target audience. Additionally, the Commission found that 91 percent of the video game manufacturers studied had at one time expressly identified children under age 17 as the core, primary, or secondary audience of an M-rated game.

(6) To correct this problem, the Commission called on these industries to adopt voluntary, uniform policies expressly prohibiting these practices and to enforce these policies with real sanctions for violations.

(7) To date, as the Commission noted in a follow-up report released on April 24, 2001, only the video game industry has agreed to adopt such a marketing code. The Commission also noted that, despite some encouraging changes in behavior since the release of the Commission's original report in 2000, a number of companies in all three industries have nevertheless continued to market adult-rated products in venues popular with children.

(8) Because the entertainment industry continues to target its advertising of adult-rated products to children, there is need for narrowly targeted legislation to prohibit, as a false and deceptive trade practice, the targeting of children in the advertisement and other marketing of products rated for adults, and to authorize the Federal Trade Commission to stop these practices.

TITLE I—TARGETED MARKETING OF ADULT-RATED MEDIA TO CHILDREN

SEC. 101. PROHIBITION ON TARGETED MARKETING TO MINORS OF ADULT-RATED MEDIA AS UNFAIR OR DECEPTIVE PRACTICE.

(a) IN GENERAL.—The targeted advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game, in or affecting commerce, shall be treated as a deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45), and is hereby declared unlawful.

(b) TREATMENT AS TARGETED ADVERTISING OR MARKETING TO MINORS.—For purposes of this section, the advertising or other marketing of an adult-rated motion picture, music recording, or electronic game shall be treated as targeted advertising or other marketing of such product to minors if—

(1) the advertising or marketing—

(A) is intentionally directed to minors; or

(B) is presented to an audience of which a substantial proportion is minors; or

(2) the Commission determines that the advertising or marketing is otherwise directed or targeted to minors.

SEC. 102. SAFE HARBOR.

(a) IN GENERAL.—The advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game shall not be treated as targeted advertising or other marketing to minors, for purposes of section 101, if the producer or distributor responsible for the advertising or marketing adheres to a voluntary self-regulatory system with respect to such product that satisfies the criteria under subsection (b) and is subject to the sanctions referred to in subsection (b)(3).

(b) CRITERIA.—The Federal Trade Commission shall, by rule, establish the criteria referred to in subsection (a). Under such criteria, a voluntary self-regulatory system shall include the following elements:

(1) An age-based rating or labeling system for the product in question.

(2) For all products that are rated or labeled as adult-rated under such system—

(A) prohibitions on the targeted advertising or other marketing to minors of such products; and

(B) other policies to restrict, to the extent feasible, the sale, rental, or viewing to or by minors of such products.

(3) Procedures, including sanctions for noncomplying producers and distributors, meeting such requirements as the Commission includes in such criteria in order to assure compliance with the prohibitions and other policies referred to in paragraph (2).

SEC. 103. REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules that define with specificity the acts or practices that are deceptive acts or practices under section 101.

(b) IN PARTICULAR.—The rules under subsection (a)—

(1) shall specify criteria for determining whether or not an audience is comprised of a substantial proportion of minors for purposes of section 101(b)(1)(B); and

(2) may include requirements for the purpose of preventing acts or practices that are deceptive acts or practices under section 101.

SEC. 104. MATTERS RELATING TO REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules under sections 102 and 103 in accordance with the provisions of section 553 of title 5, United States Code.

(b) TIME LIMIT.—The Commission shall prescribe the regulations required under sections 102 and 103(b)(1) not later than 12 months after the date of the enactment of this Act.

SEC. 105. ENFORCEMENT.

(a) IN GENERAL.—This title shall be enforced by the Federal Trade Commission

under the provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) ACTIONS BY COMMISSION.—

(1) IN GENERAL.—The Commission shall prevent any person from violating section 101, or a rule of the Commission under section 103, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title.

(2) PARTICULAR RULES.—A rule prescribed under section 103(b)(1) shall be treated as a rule prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)), and any violation of a rule prescribed under such section 103 shall be treated as a violation of a rule respecting unfair or deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) RIGHTS AND LIABILITIES OF PARTIES.—Any person or entity that violates section 101, or a rule of the Commission under section 103, shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(c) EFFECT ON OTHER LAWS.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 106. DEFINITIONS.

In this title:

(1) ADULT-RATED.—The term ''adult-rated'', in the case of a motion picture, music recording, or electronic game, means a rating or label voluntarily assigned by the producer or distributor of such product, including a rating or label assigned pursuant to an industry-wide rating or labeling system, which rating or label—

(A) indicates or signifies that—

(i) such product is or may be appropriate or suitable only for adults; or

(ii) access to such product by minors should be restricted; or

(B) in the case of a music recording, advises or signifies that such product may contain explicit content, including strong language or expressions of violence, sex, or substance abuse.

(2) MINOR.—The term ''minor'' means an individual below the age established under the rating or labeling system in question to be an appropriate audience for adult-oriented material, but in no event includes an individual 17 years of age or older. If no specific age is so established under the rating or labeling system in question, the term means an individual less than 17 years of age.

(3) ADULT.—The term ''adult'' means an individual who is no longer a minor.

(4) ELECTRONIC GAME.—The term ''electronic game'' means any interactive entertainment software, including any computer game, video game, or on-line game, sold or rented on any tangible medium or by any electronic or on-line medium by which the right to play a specified interactive-entertainment-software product is purchased.

(5) MOTION PICTURE.—The term ''motion picture'' means any theatrical motion picture shown in a commercial theater or sold or rented by videotape, digital recording, or other tangible medium or by any electronic or on-line medium by which the right to play an individual theatrical motion picture is purchased, except that such term shall not include anything shown on broadcast television or cable television.

(6) MUSIC RECORDING.—The term ''music recording'' means any recording of music sold or rented on compact disk, tape cassette, vinyl record, music video, or other tangible medium or by any electronic or on-line medium by which the right to hear a specified work of music is purchased, except that such term shall not include anything shown on broadcast television or cable television.

SEC. 107. EFFECTIVE DATE.

This title shall take effect 90 days after the date of the enactment of this Act.

TITLE II—OTHER MATTERS

SEC. 201. STUDY OF MARKETING PRACTICES OF ENTERTAINMENT INDUSTRIES REGARDING ADULT-RATED MATERIALS.

(a) IN GENERAL.—The Federal Trade Commission shall conduct a study of the advertising and other marketing practices of the motion picture industry, music recording industry, and electronic game industry regarding adult-rated motion pictures, music recordings, and electronic games.

(b) MATTERS TO BE STUDIED.—In conducting the study under subsection (a), the Commission may examine—

(1) whether and to what extent the industries referred to in that subsection direct to minors the advertising and marketing of adult-rated materials, including—

(A) whether such materials are advertised or promoted in media outlets in which minors are present in substantial numbers or comprise a substantial percentage of the audience; and

(B) whether such industries use other marketing practices designed to attract minors to such materials;

(2) whether and to what extent retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of such industries—

(A) have policies to restrict the sale, rental, or viewing to or by minors of adult-rated materials; and

(B) have procedures to ensure compliance with such policies;

(3) whether and to what extent such industries require, monitor, or encourage the enforcement of their voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(4) whether and to what extent such industries engage in activities to educate the public in the existence, use, or efficacy of their voluntary rating or labeling systems; and

(5) whether and to what extent the policies and procedures referred to in paragraph (2), any activities referred to in paragraphs (3) and (4), and any other activities of such industries are effective in restricting the access of minors to adult-rated materials.

(c) FACTORS IN DETERMINATION.—In determining whether the products of an industry are adult-rated for purposes of subsection (b), the Commission shall use the voluntary industry rating or labeling system of the industry, both as in effect on the date of the enactment of this Act and as modified after that date.

(d) AUTHORITIES.—In conducting the study under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

(e) REPORTS.—

(1) REQUIREMENT.—The Commission shall submit to Congress and the public two reports on the study under subsection (a), as follows:

(A) An initial report, not later than two years after the date of the enactment of this Act.

(B) A final report, not later than six years after that date.

(2) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the study conducted under subsection (a) during the period covered by the report;

(B) any findings and recommendations of the Commission arising out of the study as of the end of that period; and

(C) the identification of the particular producers and distributors, if any, engaged in advertising or other marketing practices relevant to such findings and recommendations.

(f) DEFINITIONS.—In this section, the terms ''adult-rated'', ''electronic game'', ''motion picture'', ''music recording'', and ''minor'' have the meanings given those terms in section 106.

SEC. 202. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person, partnership, corporation, or circumstance, is held invalid, the remainder of this Act, and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby.

Mr. KOHL. Mr. President, I rise today with my colleague Senator LIEBERMAN to introduce the Media Marketing Accountability Act of 2001. For too long, the entertainment industry has drawn a bullseye on our children's backs, targeting them with violent video games, movies and music. Media violence has a clear and dangerous effect on our children, and it must be curbed.

Last fall's Federal Trade Commission report confirmed some of our worst fears. It found that more than 70 percent of movie, video game and music companies aggressively marketed their violent, adult-rated products to children. And while this week's report showed some meaningful progress, the ''snapshot'' it took didn't exactly reveal a pretty picture. Last fall, Senator LIEBERMAN and I pledged not to sit by idly. Today we're here to make good on our promise.

This legislation is simple. It targets the worst behavior. The entertainment industry won't be able to speak out of both sides of their mouths anymore, saying that a product is harmful to children, but then luring them into the theaters or stores to see it or buy it. This bill gives the Federal Trade Commission the authority it needs to go after the bad actors who try to mislead our families and our children.

Let me be a little more specific about what the bill does. This legislation gives the FTC the authority to prosecute entertainment companies for deceptive trade practices if they target adult-rated entertainment to children. This legislation doesn't create a whole new structure of rules and punishments; it simply adds this bad behavior by entertainment companies to a list of misconduct that the FTC already has the power to punish.

But the bill also rewards companies for good behavior. It includes a safe harbor which shields companies from prosecution if they already abide by a self-regulatory system that includes an age-based rating system, prohibits the marketing of adult rated material to children, and punishes for non-compliance. Finally, the legislation calls for

two additional studies by the FTC over the next six years.

Let me give you a concrete example of the type of behavior this bill aims to prohibit. Last fall's report uncovered a film industry practice of including young children in the test groups for R-rated films. Studios asked ten-year-olds to explain what they like about a violent, R-rated movie, and then the studio used the feedback to tailor their advertising campaign to lure youngsters into the theaters. We all agree this behavior is just plain wrong, and it is this kind of behavior that our legislation will penalize.

Our bill does not touch the content produced by the industry, it simply targets specific, egregious behavior. After all, no one is saying that the entertainment industry doesn't produce high-quality and important products. But we all agree that not every product is appropriate for children, and the Federal Government has a legitimate interest in protecting children, a vulnerable audience, from being targeted with violent and vulgar content that the industry itself has identified as inappropriate. Our narrowly tailored legislation will help protect children and families from this kind of deception.

Finally, our bill should not discourage the entertainment industry from rating its products. To begin with, companies that are already regulating themselves effectively will qualify for protection under our safe harbor. The industry's threat to alter or eliminate their rating systems is as irresponsible to families as the behavior we're trying to prohibit with this measure. But beyond that, enactment of this legislation would not translate to constant legal action against the entertainment industry. The Federal Trade Commission would only prosecute those companies who have clearly and flagrantly targeted children with adult-rated material. As long as companies advertise their adult-rated products to a logical target audience, they should have no concern about this legislation.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water, to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, we have had the same 50 parts per billion standard for arsenic in our drinking water since 1942. Since then, study after study has confirmed that this level of arsenic in our drinking water is unsafe. After decades of review, a final drinking water standard was finally set to go into effect in March of this year. The new standard would have required no more than 10 parts per billion arsenic in drinking water.

Unfortunately, the Bush Administration stopped this new rule from going into effect. This decision was a major blow to public health in this country. Arsenic causes lung cancer, skin cancer, and bladder cancer. We know that if you drink water at the current standard for arsenic you have a 1 in 100 chance of getting cancer. The Bush Administration has decided that we can wait, despite mountains of scientific evidence on the serious health threat posed by arsenic. By suspending the new arsenic standard, the President is preventing communities from getting started on the upgrades they need to make to their drinking water systems. This is unacceptable, and I am a cosponsor of legislation that would restore the 10 parts per billion standard.

Another consequence of the Bush Administration's decision to suspend the new rule for arsenic has received less attention but is also very important. The suspended rule contained provisions on the public's right to know what level of arsenic is in its drinking water and what the possible health effects may be. The suspended rule requires notice to consumers containing very specific information on the health risks posed by arsenic. This notice would have been required at 5 parts per billion. This is less than the maximum level permitted in drinking water, but is necessary because there is still a risk posed by arsenic at this level.

I believe that the public has a right to know if there is an environmental threat in their community. If the public is fully informed about environmental threats, they may have the opportunity to avoid them. So, today I am introducing the ''Community Right to Know Arsenic Risk Act.''

My bill would restore the requirements in the suspended rule on the public's right to know. It would ensure that notice is given at the 5 parts per billion level.

The level of arsenic found in drinking water in many communities poses a serious risk to public health. I am especially concerned about the most vulnerable members of the community, including children, the elderly, and AIDS or cancer patients, to name a few. I am committed to full disclosure to consumers of both the levels of arsenic in drinking water and the possible health effects. Drinking water that may meet federal standards still may pose health risks that should be known to the consumer. This is certainly the case with arsenic. The consumer should have the right to choose alternative water sources or to seek tighter standards. This is a minimum requirement. I encourage my colleagues to co-sponsor this legislation and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 796

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 ''Community Right-to-Know Arsenic Risk Act''.

SEC. 2. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

''SEC. 1466. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

''(a) IN GENERAL.—A consumer confidence report prepared by a community water system under section 141.154 of title 40, Code of Federal Regulations (or a successor regulation), shall include a short educational statement concerning arsenic that—

''(1) uses language such as the following: 'While your drinking water meets EPA's standard for arsenic, it does contain arsenic. EPA's standard is based not only on the possible health effects of arsenic, but also on the costs of removing arsenic from drinking water. EPA continues to research the health effects of arsenic ingestion, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.'; or

''(2) uses substantially similar language developed by the community water system in consultation with the State agency having jurisdiction over safe drinking water matters.

''(b) APPLICABILITY.—Subsection (a) applies to any community water system that—

''(1) is required to prepare and deliver consumer confidence reports under subpart O of title 40, Code of Federal Regulations (or a successor regulation); and

''(2)(A) with respect to a report required to be delivered under that subpart not later than July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.025 milligrams per liter but below the maximum contaminant level; and

''(B) with respect to a report required to be delivered under that subpart after July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.005 milligrams per liter but that is equal to or below the maximum contaminant level.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—CONGRATULATING THE EAGLES OF BOSTON COLLEGE FOR WINNING THE 2001 MEN'S ICE HOCKEY CHAMPIONSHIP.

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas the Boston College Eagles men's ice hockey team had a remarkable season, concluding by defeating the tenacious Fighting Sioux of the University of North Dakota 3–2 in overtime.

Whereas the victory by the Boston College Eagles marked the first national championship in ice hockey for Boston College since 1949;

Whereas the championship victory concluded a brilliant season for Boston College in which the team compiled a record of 33 wins, eight loses, and two ties;

Whereas the winning overtime goal for Boston College by Krys Kolanos produced the victory;

Whereas coach Jerry York, who grew up in Watertown, Massachusetts and starred on the 1967 Boston College team, deserves great

credit for taking the Boston College Eagles to the ''Frozen Four'' NCAA finals for the past four years;

Whereas eleven players on the Boston College Eagles team grew up in Massachusetts or played high school hockey in the state;

Whereas the Eagles victory was also made possible by goals by Chuck Kobasew and Mike Lephart, and by goalie Scott Clemmensen, who played a magnificent game by making 34 saves for the Eagles.

Whereas the Boston College Eagles are flying high after winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship: now, therefore, be it

Resolved, That the Senate commends the Eagles of Boston College for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship.

Mr. KENNEDY. Mr. President, on April 7, the Boston College Eagles Ice Hockey Team defeated the Fighting Sioux of the University of North Dakota 3–2 in overtime to win the NCAA national championship. The victory marked the first national championship in ice hockey for Boston College since 1949, and all of us in Massachusetts are proud of them for their outstanding season.

An overtime goal for Boston College by Krys Kolanos produced the victory and made up for last year's 4–2 defeat by North Dakota in the championship game. Chuck Kobasew and Mike Lephart scored the other two goals for Boston College, and goalie Scott Clemmensen did an excellent job as well, with 34 saves.

The Boston College team compiled an extraordinary record of 33 wins, eight loses, and two ties during the season. Coach Jerry York, a native of Watertown, Massachusetts, had been a star for the Eagles in the 1967 season, was an indispensable part of this year's championship achievement as was all the members on the team.

The Eagles were led effectively this season by captain Brian Gionta and assistant captains Bobby Allen and Mike Lepart. I welcome this opportunity to commend all of the players for their brilliant success, Bill Cass, Anthony D'Arpino, Ales Dolinar, Justin Dziama, Ben Eaves, Tom Egan, J.D Forrest, Jeff Giuliano, Ty Hennes, Marty Hughes, Tim Kelleher, Mark McLennan, Brooks Orpik, Brett Peterson, Joe Schuman, Rob Scuderi, Dan Sullivan, and Tony Voce. I also commend Coach York's assistant coaches, Mike Cavanaugh, Jim Logue, and Scott Paluch.

The Boston College Eagles are flying high. Massachusetts is proud of their championship season, and I urge the Senate to approve this well, deserved resolution.

I ask unanimous consent that an article on the championship Eagles from the Boston College newspaper ''The Chronicle'' be printed in the RECORD.

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

[From the Boston College Chronicle, Apr. 12, 2001]

''EAGLES RULE ROOST—UNIVERSITY CELEBRATES HOCKEY TEAM'S NCAA FROZEN FOUR TRIUMPH''

(By Sean Smith)

On a glorious spring day, the Boston College community paid tribute Monday afternoon to its men of winter.

A jubilant crowd of well-wishers and special guests—including Gov. Paul Cellucci, '70, JD '73, and Boston Mayor Thomas Menino—packed Conte Forum to honor the national champion Eagles hockey team, which won the National Collegiate Athletic Association ''Frozen Four'' tournament Saturday night with a 3–2 overtime victory over defending champion North Dakota in Albany, NY.

BC has a 2–0 lead late in the third period before North Dakota rallied to tie. Krys Kolanos, '04, scored less than five minutes into the extra period to notch the win, giving the Eagles their second NCAA hockey championship, and first in 52 years.

Freshman Chuck Kobasew—named the Frozen Four Most Outstanding Player—and senior Mike Lephart each scored in the second period for BC's other goals.

WEEL–AM sports announcer Ted Sarandis served as master of ceremonies at Monday's celebration, where small children in kid-sized BC hockey shirts cheered the champions alongside elderly alumni and current students in maroon and gold regalia. One alumnus in the crowd received special notice: James Fitzgerald, '49, who scored the winning goal in BC's 1949 championship.

University President William P. Leahy, SJ, thanking coach Jerry York and his players for ''a memorable season,'' said their efforts exemplified BC as ''an institution dedicated to excellence, in the classroom, the laboratory and the hockey rink.''

Cellucci, preparing to start his new job as United States ambassador to Canada, said his last proclamation as governor was to designate April 9, 2001, as ''BC Eagles Hockey Day in Massachusetts.''

Menino extended his congratulations not only to the team but also to the parents ''who drove you to the hockey rinks all those mornings.''

''Wow!'' said Athletic Director Gene DeFilippo as he began his remarks. ''Does it get any better that this?'' He rattled off an impressive list of group and individual achievements by the team's eight seniors, including 117 victories, four Frozen Four and three NCAA title game appearances.

York, who was treated to a standing ovation and cheers of ''Jer-EE! Jer-EE!'' by the crowd, thanked his assistants and support staff, and praised the players for ''representing this world-class university in a world-class manner.''

After senior captains Brian Gionta, Bobby Allen and Lephart offered their own thanks and praises, the moment the crowd had waited for arrived. To the strains of ''We Are the Champions,'' the players skated around the rink holding aloft the NCAA championship trophy.

The team has at least one more celebration in its future: an invitation to the White House, on a date to be confirmed later.

SENATE RESOLUTION 77—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into the use of correspondent banking for purposes of money laundering;

Whereas, the Subcommittee has received a number of requests from law enforcement officials, legislative bodies, regulatory agencies, and court-appointed officials for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has received requests from various law enforcement and regulatory agencies, legislative bodies, and court-appointed officers, both here and abroad, for assistance in connection with pending investigations into the use of correspondent banks for money laundering, which has been the subject of recent investigation by the subcommittee.

This resolution would authorize the chairman and ranking member of the Permanent Subcommittee on Investigations, acting jointly, to provide investigative records, obtained by the subcommittee in the course of its investigations, in response to these requests.

SENATE CONCURRENT RESOLUTION 34—CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF THEIR FULL INDEPENDENCE

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas during the period of ''glasnost'' and ''perestroika'' in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Mr. CAMPBELL. Mr. President, today I am joined by Senators DODD and VOINOVICH, fellow members of the Commission on Security and Cooperation in Europe, in submitting a Concurrent Resolution congratulating the people of Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence. The resolution also calls on the President of the United States to build upon the close and mutually beneficial relations with Estonia, Latvia, and Lithuania that have existed since the restoration of their full independence.

This year marks the tenth anniversary of the reestablishment of full independence to the Baltic nations of Estonia, Latvia, and Lithuania after almost five decades of illegal and brutal incorporation into the Soviet Union. The Baltic nations were independent between World War I and World War II. Their freedom and independence were stolen from them in a secret deal struck between Hitler and Stalin.

During the Soviet era, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned or exiled by the Soviet regime as Moscow attempted to repress any resistance to its rule. Besides physically persecuting individuals, the Soviet Union also tried to destroy the rich heritage of the Baltic people, by degrading their culture and attempting to replace their native languages with Russian.

It didn't work. The Baltic people never gave up their hope for freedom and their long-held dream of independence.

Moreover, during the Soviet period of ''glasnost'' and ''perestroika,'' the Baltic people led the struggle for democratic reform and national consciousness. In the ten years following the restoration of their full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and rule of law at home. At the same time, they have actively participated in a wide range of international structures, while pursuing further integration into European political, economic and security organizations.

Earlier today I had the pleasure to meet with President Vike-Freiberga of Latvia, in my capacity as Chairman of the Commission on Security and Cooperation in Europe. I was joined by Co-Chairman CHRIS SMITH and fellow Commissioner ZACH WAMP. President Vike-Freiberga struck us as an impressive leader during our wide-ranging discussion of Euro-Atlantic cooperation and Latvia's development since the restoration of independence. Therefore, it is fitting that we introduce this resolution today, coinciding with President Vike-Freiberga's working visit to Washington.

I urge my colleagues to join in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new title:

TITLE—EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES

SEC. ___01. EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES.

Notwithstanding any other provision of law, the export controls imposed on items under title III shall not apply to agricultural commodities, medicine, and medical supplies.

SEC. ___02. TERMINATION OF EXPORT CONTROLS REQUIRED BY LAW.

Notwithstanding any other provision of law, the President shall terminate any export control mandated by law on agricultural commodities, medicine, and medical supplies upon the date of enactment of this Act except for a control that is specifically reimposed by law.

SEC. ___03. EXCLUSIONS.

Sections ___01 and ___02 do not apply to the following:

(1) The export of agricultural commodities, medicine, and medical supplies that are subject to national security export controls under title II or are listed on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(2) The export of agricultural commodities, medicine, and medical supplies to a country against which an embargo is in effect under the Trading With the Enemy Act.

SEC. ___04. DEFINITION.

For purposes of this title, the term ''agricultural commodity'' means any agricultural commodity, food, fiber, or livestock (including livestock, as defined in section 602(2) of the Emergency Livestock Feed Assistance Act of 1988 (title VI of the Agricultural Act of 1949 (7 U.S.C. 1471(2))), and including insects), and any product thereof.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2002 budget.

The Committee will hear testimony from the following:

1. The Department of the Interior on Tuesday, May 8, 2001, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

2. The Forest Service on Tuesday, May 8, 2001, beginning at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

3. The Department of Energy on Tuesday, May 10, 2001, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Trici Heninger, Staff Assistant at (202) 244–7875, regarding the Department of the Interior and the Department of Energy hearings, and Kathleen Elder, Staff Assistant at (202) 244–7556, regarding the Forest Service hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. MRUKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place on Thursday, May 3rd, 2001 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the state of the nuclear power industry and the future of the industry in a comprehensive energy strategy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC. 20510–6150.

For further information, please call Colleen Deegan, Counsel, Energy Committee at (202) 224–8115 or Clay Sell, Clerk, Energy and Water Subcommittee at (202) 224–7260.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 9:30 a.m., in open session to consider the nominations of Edward C. Aldridge to be Under Secretary of Defense for Acquisition and Technology; William J. Haynes II be general counsel of the Department of Defense; and Powell A. Moore, to be Assistant Secretary of Defense for Legislative Affairs, and in executive session thereafter.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, at 9:30 a.m. on the nomination of Theodore W. Kassinger to be general counsel of the Department of Commerce.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, immediately following the nomination hearing, on S. 718—Amateur Sports Integrity Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 26, at 9:30 a.m. to conduct an oversight hearing. The committee will consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 26, 2001 to hear testimony on the Tax Code Complexity, New Hope for Fresh Solutions.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 26, 2001 at 10 a.m. and 2:30 p.m. to hold a hearing and a business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 26, 2001, at 10 a.m. in Dirksen Building Room 226.

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

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, April 26, 2001 from 9 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science and Transportation, be authorized to meet on Thursday, April 26, 2001, at 2:30 p.m. on spamming.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 26, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the energy implications of the Forest Service's Roadless Area Rulemaking.

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

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 2 p.m., in open session to receive testimony regarding strategic airlift and sealift imperatives for the 21st century.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to conduct a hearing to receive testimony on budget oversight on the Corps of Engineers program for FY02 on Thursday, April 26 at 9:30 am.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Nicky Yuen on my staff be allowed floor privileges during the duration of the day.

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

CONGRATULATING THE EAGLES OF BOSTON COLLEGE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 76, submitted earlier today by Senators KENNEDY and KERRY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 76) congratulating the Eagles of Boston College in Massachusetts for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under ''Submitted Statements on Senate Resolutions.'')

HONORING NEIL L. RUDENSTINE

Mr. LOTT. Mr. President, I ask unanimous consent that the HELP Committee be discharged from consideration of S. Res. 65 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 65) Honoring Neil L. Rudenstine, President of Harvard University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 65

Whereas Neil L. Rudenstine is retiring as the 26th President of Harvard University in Cambridge, Massachusetts, on June 30, 2001, after 10 years of service in the position;

Whereas Harvard University, founded in 1636, is the oldest university in the United States and 1 of the preeminent academic institutions in the world;

Whereas throughout the history of the United States, graduates of Harvard University have served the United States as leaders in public service, including 7 Presidents and many distinguished members of the United States Senate and the House of Representatives;

Whereas in recognition of his belief in, and Harvard University's continued commitment to, public service as a value of higher education, Neil L. Rudenstine worked to establish the Center for Public Leadership at Harvard University's Kennedy School of Government to prepare individuals for public service and leadership in an ever-changing world;

Whereas in order to make a Harvard University education available to as many qualified young people as possible, during Neil L. Rudenstine's tenure, the University expanded its financial aid budget by $8,300,000 to help students graduate with less debt;

Whereas Neil L. Rudenstine has made Harvard University a good neighbor in the community of Cambridge and greater Boston by launching a $21,000,000 affordable housing program and by creating more than 700 jobs; and

Whereas Neil Rudenstine built an academic career of great distinction, including 2 bachelor's degrees, 1 from Princeton University and the other from Oxford University, a Rhodes Scholarship, a Harvard Ph.D. in English, recognition as a scholar and authority on Renaissance literature, and preeminent positions in higher education: Now, therefore, be it

Resolved,

SECTION 1. HONORING NEIL L. RUDENSTINE.

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education, for the spirit of public service that characterized his decade as Harvard University's President, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wishes him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

FARMER BANKRUPTCY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 256, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 256) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States code is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally turning its attention to retroactively renewing Chapter 12 of the Bankruptcy Code, which protects family farmers and helps them prevent foreclosures and forced auctions of their farms.

Unfortunately, many family farmers have been left in legal limbo in bankruptcy courts across the country since Chapter 12 of the Bankruptcy Code expired on July 1, 2000. Last year, the House of Representatives passed narrow legislation to retroactively renew Chapter 12, but that legislation died in the Senate. I worked to adopt the House-passed bill last year to renew Chapter 12, along with a number of Democratic Senators, but the Senate Majority Leader never scheduled a vote on the bill.

This year, Representative NICK SMITH and Representative TAMMY BALDWIN introduced H.R. 256 to retroactively renew Chapter 12. Thanks to their bipartisan efforts the House passed the bill on February 28 by a vote of 408–2. I commend them for their leadership in securing House passage of this legislation.

Earlier this month, Representative SMITH and Representative BALDWIN wrote to me about trying to secure quick Senate passage of H.R. 256. I agreed that the Senate should act immediately to renew Chapter 12 of the Bankruptcy Code and send their legislation to the President for his signature into law. I am glad the Majority Leader is finally taking up our request to take up and pass H.R. 256.

During the debate earlier this year on comprehensive changes to the bankruptcy system, some proponents of the controversial reform bill claimed that it must be passed to restore Chapter 12 to the Bankruptcy Code. I hope today's action to pass a stand alone Chapter 12 bill will make it clear to all that the Senate does not have to pass a mammoth bankruptcy reform bill to provide family farmers with bankruptcy protection. I also hope today's action will put an end to any efforts to use Chapter 12 as leverage to enact controversial bankruptcy reform legislation. Our family farmers deserve better.

I strongly support H.R. 256 to retroactively give our family farmers bankruptcy protection if they fall on hard times. It is past time for Congress to retroactively renew Chapter 12 of the Bankruptcy Code to provide a safety net for our nation's family farmers.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 256) was read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 77, submitted earlier by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 77) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under ''Submitted Statements on Senate Resolutions.'')

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Foreign Relations Committee today: Paula Dobriansky to be an Under Secretary of State; James Andrew Kelly to be an Assistant Secretary of State; Andrew Natsios to be Administrator of the United States Agency for International Development.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.

Mr. KENNEDY. Mr. President, I strongly support the nomination of Andrew Natsios. Andrew has ably served the State of Massachusetts as a Representative in the State House and as Chief Financial Officer for the State. He is an outstanding choice for the important post of Administrator for the Agency for International Development, and I'm confident he'll serve our country with great distinction.

The Agency plays an invaluable role for the United States, bringing the hope of a better life to those in need around the globe through humanitarian aid and development projects. Its Administrator must understand the challenges facing the Agency both internally and externally. He must be a strong and effective manager. He must be committed to improving the Agency as an institution and have the ability to advance its development mission effectively. I'm confident that Andrew possesses the skills to accomplish these goals and that he will enhance the agency's valuable work around the world.

Andrew has spent much of his distinguished career working on these important issues—most notably as the Assistant Administrator for the Bureau of Food and Humanitarian Assistance at the Agency for International Development, as Director of the Office of Foreign Disaster Assistance and as Vice President of World Vision. Because of his outstanding ability, he was appointed as special coordinator to manage U.S. Government relief efforts during the Somalia famine.

Andrew has written extensively on the challenges posed by humanitarian and intervention assistance and disaster response to U.S. foreign policy interests. He has also lectured at Boston College, the University of Massachusetts, and Northeastern University.

Because of his strong management skills, Andrew was called in to Chair the Massachusetts Turnpike Authority and to oversee the Central Artery Tunnel Project—the nation's largest public project. We all agree that his management has restored credibility to the project. He also served as Governor Cellucci's Chief Financial Officer for Massachusetts and was responsible for a $20 billion state budget.

Andrew has the vision, skills and ability to lead the Agency for International Development very effectively in the years ahead. His knowledge and experience, and his strong commitment to improving the agency will strengthen all of its vital missions.

I look forward very much to working with him as the Administrator of the Agency for International Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, APRIL 30, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 p.m. on Monday, April 30. I ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 3 p.m. with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee from 2 p.m. to 2:30 p.m., Senator THOMAS or his designee from 2:30 p.m. to 3 p.m.

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

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will convene at 2 p.m on Monday. Following 1 hour of morning business, we will begin debate on the motion to proceed to S. 1, the education bill. Cloture was filed on the motion to proceed to the bill on Thursday, today, with a vote scheduled to occur at 9:30 a.m. on Tuesday. An agreement on the nomination of John Robert Bolton is being discussed, and it is hoped that debate and confirmation can occur prior to lunch on Tuesday. Senators should be aware that there will be no votes during Monday's session. Having said that, the remainder of the week will be extremely busy in an effort to complete action on the education bill and hopefully the budget conference.

ADJOURNMENT UNTIL MONDAY, APRIL 30, 2001, AT 2 P.M.

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Monday, April 30, 2001, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 2001:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES V. AIDALA, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT MAGNUS, 0000

THE FOLLOWING NAMED UNITED STATES MARINE CORPS RESERVE OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5144 AND 601:

To be lieutenant general

MAJ. GEN. DENNIS M. MCCARTHY, 0000

IN THE NAVY

THE FOLLOWING NAMED UNITED STATES NAVAL RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5143 AND 601:

To be vice admiral

REAR ADM. JOHN B. TOTUSHEK, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ROBERT M ABUBO, 0000
DAVID K ANDERSON, 0000
TIMOTHY BARNEY, 0000
MATTHEW BONNER, 0000
CRAIG T BOWDEN, 0000
ROBERT L CHATHAM, 0000
TRACY A DOBEL, 0000
DAVID G ERICKSON, 0000
DARRYL D FIELDER, 0000
DANIEL J GILLEN, 0000
HOWARD D GUBBS, 0000
DAVID K GULUZIAN, 0000
THOMAS HARRILL, 0000
JAMES E KIRBY, 0000
BOBBY L KING, 0000
DOUGLAS W KUNZMAN, 0000
BRYCE D LABMERT, 0000
JOHN LOBUONO, 0000
JOHN J MEAGHER, 0000
KEVIN A MELODY, 0000
KEITH L PAYNE, 0000
ROLAND C ROEDER, 0000
VICTOR S SCHWARTZ, 0000
WILLIAM E SOLOMON III, 0000
ERIC B SVENSSON, 0000
JULIUS TAYLOR, 0000
ZANE R THOMAS, 0000
TREVOR N TYLER, 0000
MAX WILDERMUTH, 0000
ERIC D WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDWARD P ABBOTT, 0000
ANDREW W ACEVEDO, 0000
SCOTT E ALLEN JR., 0000
JAMES L ALLISON, 0000
JEFFREY R ALLMON, 0000
KEVIN W ALT, 0000
PHILIP J ALTIZER JR., 0000
TIMOTHY M ANDERSEN, 0000
GLENN E ANDERSON, 0000
JOSEPH ARANGO III, 0000
GEORGE M ARVONEN, 0000
JOSEPH W ASHBAKER, 0000
JOHN R ATKINSON, 0000
CHERYL L AUSTIN, 0000
PATRICK J AUSTIN, 0000
ANDREW G BAAN, 0000
GIL A BALAOING, 0000
GEORGE W BALLANCE, 0000
WALTER W BALLARD, 0000
WARREN S BARKLEY II, 0000
STEPHEN C BARTO, 0000
STEPHEN D BAUGHMAN, 0000
MARK E BAUMAN, 0000
JAMES F BECKA, 0000
CHARLES G BELTZ, 0000
JOHN R BENNETT, 0000
DONALD J BENZING, 0000
MARTIN W BERG, 0000
WILLIAM S BEYER, 0000
ROGER D BIRNBAUM, 0000
TIMOTHY J BISHOP, 0000
WANDA O BISKADUROS, 0000
THOMAS M BLAIR, 0000
THOMAS H BLAKENEY JR., 0000
CELIA A BOOTH, 0000
FREDERICK Y BORDEN III, 0000
ROBERT J BOROWSKI, 0000
CHRISTOPHER P BOYLAN, 0000
DEAN C BRACKETT, 0000
STEVEN L BRADLEY, 0000
ROBIN A BRAKE, 0000
CHARLES R BRAUN JR., 0000
RICHARD E BRAUNIG, 0000
RICHARD J BRENNAN JR., 0000
FRANCIS C BRINKER, 0000
MICHAEL C BRINKMANN, 0000
DAVID BROADBENT, 0000
THEODORE L BROOKS, 0000
LEONARD J BROWN, 0000
MICHAEL G BUTCHER, 0000
JON A BUTTRAM, 0000
ALLYSON T CADDELL, 0000
JAMES C CAIN, 0000
JAMES J CAIN, 0000
HAROLD F CANNON JR., 0000
ALLEN F CANTRELL, 0000
THOMAS E CARROLL, 0000
MARK S CHAMBERLAIN, 0000
BRANDAN J CHANG, 0000
JAMES S CHEATHAM JR., 0000
VAHAN CHERTAVIAN, 0000
BRANNAN W CHISOLM, 0000
MICHAEL H COCHRANE, 0000
GORDON V COLE, 0000
JOHN W COLEMAN II, 0000
CHRISTOPHER M CONROY, 0000
CURTIS A COOPER, 0000
JOHN J CORBETT, 0000
HENRY J CORSCADDEN III, 0000
DAVID W COSTA, 0000
DAVE L COTNER, 0000
ROBERT W COWING, 0000
MARK L CROOK, 0000
ANATOLIO B CRUZ, 0000
BRUCE CUMINGS, 0000
THOMAS P DAGOSTINO, 0000
JOHN Q DALSANTO, 0000
FRANCIS DANIEL, 0000
SANDY L DANIELS, 0000
LEONARD A DATO, 0000
MARK H DAVIDSON, 0000
LARRY W DAVIS, 0000
LELAND D DEATLEY, 0000
JAMES C DEGENHARDT, 0000
VICTOR E DELNORE JR., 0000
JOHN M DEMAGGIO, 0000
BRUCE J DINSMORE, 0000
DOUGLAS B DRIVER, 0000
DANIEL N DUBE, 0000
TIMOTHY J DWYER, 0000
JOYCE M EASTWICK, 0000
CHARLES N EDWARDS, 0000
MICHAEL D T EDWARDS, 0000
GARY L EILAND, 0000
DONALD W EISENHART JR., 0000
PETER A ENCHELMAYER, 0000
NICHOLAS J EPISCOPO JR., 0000
STEVEN L FARLEY, 0000
GUENTHER FEISTE, 0000
THEODORE F FESSEL JR., 0000
MALORIE L FITZGERALD, 0000
PATRICK J FITZMAURICE JR., 0000
TERRANCE FITZPATRICK, 0000
THOMAS H FLOURNOY, 0000

WILLIAM F FLYNN, 0000
THEODORE FOLLAS, 0000
TERESA B FOLTZ, 0000
RAY FOWLER JR., 0000
EDWARD J FRANCIS, 0000
STEVEN R FRAZER, 0000
JOHN P FRY, 0000
MICHAEL H GAFFNEY, 0000
LINDA T GAINES, 0000
PHILIP A GARCIA, 0000
DAVID H GATES, 0000
LARRY L GATLIN, 0000
KEVIN J GILLIS, 0000
CHARLES B GILLMAN, 0000
NICHOLAS J GIZZI JR., 0000
KEITH V GOODSON, 0000
ROBIN L GRAF, 0000
THOMAS P GRAFF, 0000
MICHAEL A GREEN, 0000
CHERYL A GUIDOBONI, 0000
CHRISTOPHER GUYER, 0000
LINDA A HARBER, 0000
GEORGE M HARDY III, 0000
DONALD P HARKER, 0000
DAVID M HARRIS, 0000
RONALD B HAWKINS, 0000
PETER J HAYASE, 0000
BELINDA B HEERWAGEN, 0000
JOHN P HETRICK JR., 0000
WAYNE D HILD, 0000
HOWARD D HILL, 0000
KIRK E HIVELY, 0000
DANNY B HODGE, 0000
HARVEY S HOPKINS, 0000
RICHARD C HUGHES, 0000
KEVIN H HUGMAN, 0000
ROBERT P HUMPHREY, 0000
FRANCIS A HUNT JR., 0000
MARK E HYMAN, 0000
PAMELA M IOVINO, 0000
BARBARA A IVES, 0000
PETER S JEROME, 0000
BENNETT H JOHNSON, 0000
CAROYL D JOHNSON, 0000
SIGVARD B JOHNSON JR., 0000
JOHN A JONES, 0000
RICHARD L JONES, 0000
MICHAEL G JORDAN, 0000
BYRON J JOSEPH II, 0000
JEFFREY A JULIUS, 0000
STEVEN M JUNKINS, 0000
GEORGE S KACHMARIK, 0000
THOMAS A KAISER, 0000
OWEN N KAWAMOTO, 0000
MICHAEL T KEATING, 0000
THOMAS F KENDZIORSKI, 0000
JOHN M KENNEDY, 0000
PETER F KILGER JR., 0000
WILLIAM A KING JR., 0000
EARL K KISHIDA, 0000
RICHARD S KOPP, 0000
WILLIAM M KOVALCHIK, 0000
PETER H KRAYER, 0000
RAYMOND M KUTCH, 0000
ALAN A LABEOUF, 0000
CRAIG W LEE, 0000
FREDERICK L LEES, 0000
DAVID K LEHMAN, 0000
WILLIAM M LEMKE, 0000
THOMAS W LETT, 0000
MARTIN J LINDENMAYER, 0000
LORI A LINDHOLM, 0000
DOUGLAS L LLOYD, 0000
CRAIG R LOVE, 0000
ROBERT W MACDOUGALL, 0000
STEVEN E MAFFEO, 0000
THOMAS A MAGUIRE, 0000
WILLIAM F MALLOY JR., 0000
PETER T MALONEY, 0000
WILLIAM M MARCHANT, 0000
RICHARD L MARIN, 0000
RICHARD J MARINUCCI, 0000
BRIAN P MARKS, 0000
DEAN B MARKUSSEN, 0000
WILLIAM D MARSH JR., 0000
RICHARD G MARTIN, 0000
WILLIAM C MARTIN JR., 0000
RANDY A MARTINEZ, 0000
GARY J MAYER, 0000
WILLIAM F MCALPINE, 0000
MARK L MCANDREWS, 0000
ANNE M MCCLELLAN, 0000
GAVIN G MCCRARY, 0000
MICHAEL MCDANIEL, 0000
TERRENCE T MCGINNIS, 0000
MARC V MCGOWAN, 0000
DENNIS M MCLAUGHLIN, 0000
DONALD E MCMACKIN, 0000
TERESA B MCNAMARA, 0000
MALCOLM J MCPHEE JR., 0000
MAURICE J MCWHIRTER, 0000
STEVEN L MICHALS, 0000
GLENN R MICKLE, 0000
DAVID M MITCHELL, 0000
RICHARD A MONTANIO, 0000
BARTON A MOORE, 0000
THOMAS K MORGAN, 0000
WILLIAM C MORRILL, 0000
DONALD C MORRISON, 0000
JAMES H MORRISON, 0000
JEFFREY C MOTTER, 0000
SCOTT W MOTZ, 0000
JOHN P MUELLER, 0000
JOSEPH M MURPHY, 0000
HARRY L MYERS, 0000
ALADAR NESSER, 0000
JEFFREY C NICHOLAS, 0000
JAMES C NICHOLS JR., 0000
MICHAEL J NICOLOFF, 0000
GARY D NOBLE, 0000
KERRY L NYE, 0000
CAROL A R OHAGAN, 0000
DAVID R OLSON, 0000
MANUEL ORTEGA, 0000
JAMES S OSBORNE JR., 0000
SANDRA K OSTEEN, 0000
KIM A D OSWALD, 0000
DERRICK W OWINGS, 0000
STEVEN S PAINTER, 0000
STEVE F PALMER, 0000
BARBARA J PALUSZEK, 0000
KEVIN E PARKER, 0000
NELSE C PETERSEN, 0000
BRADLEY A PETERSON, 0000
JAMES B PHILPITT, 0000
THOMAS R PICKLES, 0000
HENRY F POWELL, 0000
STEVEN M POWELL, 0000
DAVID L QUESSENBERRY, 0000
LANCE W RAFFE, 0000
JOSEPH RAPPISI, 0000
JONATHAN D REEDER, 0000
CURTIS G REILLY, 0000
CHARLES P RENNINGER II, 0000
JOE REYES, 0000
KENNETH G RIGOULOT II, 0000
ANTHONY J RIZZO, 0000
EILEEN S ROBERSON, 0000
EILEEN J ROEMER, 0000
LORRAINE J ROMANO, 0000
WILLIAM H ROOF, 0000
LEE V ROSSETTI, 0000
WILLIAM A ROTHWELL, 0000
MARK W RUSHING, 0000
DAVID G RUSSELL, 0000
SCOTT E SANDERS, 0000
JOHN E SARCONE, 0000
KRISTINE L SARVER, 0000
LISA A SCHAEFER, 0000
STEVEN L SCHMIDT, 0000
ELIZABETH A SCHNEIDER, 0000
MARK A SCHULER, 0000
JAMES J SHERIDAN, 0000
ROBERT E SIGRIST, 0000
JOHN L SIMS, 0000
ALAN L SINGER, 0000
ROBERT L SINNOKRAK, 0000
GEORGE A SMITH, 0000
MICHAEL C SMITH, 0000
SAMUEL J SMITHERS, 0000
KEVIN F SPALDING, 0000
GEORGE O SPENCER III, 0000
LENNIE W SPENCER, 0000
TIMOTHY J STARK, 0000
JOHN S STRATEMEIER, 0000
ROBERT C SWANEKAMP, 0000
MICHAEL P TAYLOR, 0000
DAVID TEZZA, 0000
JOSEPH B THOMAS JR., 0000
RICHARD D THOMAS, 0000
MARK S TIERNAN, 0000
C H TINDAL, 0000
STEPHEN T TREACY, 0000
JAMES W TRIPPEL, 0000
JOHN C TRONTI, 0000
BRUCE A TROUTMAN, 0000
RICHARD TRUITT, 0000
KENNETH L TURNER, 0000
JOHN J TURONIS, 0000
ROBERT F URSO, 0000
CLAUDE P VALLIERE, 0000
REINETTA VANEENDENBURG, 0000
CHARLES L VANGORDEN JR., 0000
JOSEPH L VAUGHAN, 0000
JOSEPH E VOLKL, 0000
RAYMOND M VOLLUZ, 0000
JOYCELYN B WALTERS, 0000
JAMES A WARD, 0000
TERRY S WHITE, 0000
JOSH T WILLIAMS III, 0000
THEODORE M WILLIAMSON, 0000
DONALD E WILSON, 0000
TERRY L WILSON, 0000
RONALD J WILTSIE, 0000
FRANCIS R WINKEL, 0000
DALE W WINSTEAD, 0000
DONALD L WOLVEN, 0000
NICHOLAS C XENOS, 0000
VICTOR J YANEGA III, 0000
MICHAEL J YRACEBURN, 0000
ROBERT ZAUPER, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26, 2001:

DEPARTMENT OF STATE

JAMES ANDREW KELLY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

PAULA J. DOBRIANSKY, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (GLOBAL AFFAIRS).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ANDREW S. NATSIOS, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.)