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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable TIM JOHNSON, a Senator from the State of South Dakota.

### PRAYER

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

Almighty God, a day of responsibilities stretches out before us. As we face them, we thank You for Winston Churchill's reminder that the price of greatness is responsibility. Father, You have entrusted the Senators with heavy responsibilities. Thank You that You will not ask more from them than You will give them the strength to carry. Help them to draw on Your artesian wells of wisdom, insight, discernment, and vision. Be with them in the lonely hours of decisionmaking, of conflict over issues, and the ruthless demands of overloaded schedules. Tenderly whisper in their souls the reassurance, "I have placed you here and will not leave you, nor forsake you." In Your grace, be with their families. Watch over them and reassure the Senators that You care for the loved ones of those who assume heavy responsibilities for You. May responsibility come to mean "responsibility," a response of trust in You to carry out what You have entrusted to them. In the name of Him who lifts burdens and carries the load. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TIM JOHNSON led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 31, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM JOHNSON, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, there is going to be a period of morning business today. I ask unanimous consent that the time extend past the hour of 10:30 so that Senator STEVENS may have his full 20 minutes and the Democratic designee may have 10 minutes.

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

### SCHEDULE

Mr. REID. Mr. President, at approximately 10:35, we will begin again consideration of the Labor-HHS appropriations act. We hope there will be a lot of work on this bill today. We have a finite list of amendments. I have spoken to both managers of the bill and they have indicated that even though there is a finite list of amendments, they are not going to wait around forever for people to offer amendments. Both Senators HARKIN and SPECTER have said

that if people don't come and offer amendments, they are going to move to third reading. There will be no one to protect those people who are waiting. Unless there is some type of a problem a Member has coming to offer an amendment, I ask that they do so at the earliest possible time.

We have other things to do. We completed the energy and water conference report last night. I just spoke to the former chairman and ranking member of the Appropriations Committee, Senator STEVENS. With a little bit of luck, we can do three or four more conference reports and send them to the President this week. That would really be good news. He has two.

### UNANIMOUS CONSENT AGREEMENT—H.R. 3061

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the agreement entered with respect to H.R. 3061, the following filed amendments be in order: Senator CHAFEE, No. 2018; and Senator ROCKEFELLER, No. 2028.

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

Mr. REID. Mr. President, these amendments were filed at the appropriate time, but they just simply were missed in the list that was submitted to the clerk.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I will.

Mr. STEVENS. Is it still the understanding that there would be an amendment first on the majority side and then back and forth?

Mr. REID. We will be happy to rotate back and forth. In fact, there are more amendments on the Republican side so they will have more offerors than we. But until we run out of amendments over here, we will go back and forth.

Mr. STEVENS. I thank the Senator.

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



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S11251

## 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 for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska is recognized to speak for up to 20 minutes.

## NATIONAL SECURITY

Mr. STEVENS. Mr. President, I have come to floor this morning to talk about the priority of national security issues. Since the terrorist attacks of September 11, debate in the country has changed. We now focus on issues we used to take for granted. We must look at those issues from the perspective of national security.

Senator FRED THOMPSON has repeatedly called for a review of our export control laws for dual-use technologies. In the past year, as chairman and now as ranking member of the Senate Government Affairs Committee, Senator THOMPSON has repeatedly called for increasing our defenses against cyberterrorism. He has also sought to halt proliferation of nuclear weapons. For all of these issues, export controls, cyberterrorism and nuclear proliferation, he has cited national security concerns—real national security issues. He is right. They are national security issues.

The week before the September 11 attacks, the Senate Foreign Relations Committee heard testimony about terrorism. At that hearing, the committee heard from former Senator Sam Nunn and the ex-CIA Director James Woolsey. They described in detail the threats of biological and chemical weapons as tools of terrorists. They described the need for more vaccines, stockpiles of drugs and antibiotics, and the new technologies for delivering these medicines. Senator Nunn stated it best when he said: "Public health has become a national security issue."

Sam was right.

The Senate Commerce, Science, and Transportation Committee held a hearing to discuss the FAA's response during and after the terrorist attacks. At that hearing, Chairman HOLLINGS properly noted: "Airport and aircraft security are national security issues." He, too, was right.

The Bismarck Tribune in North Dakota reported on September 20 that Robert Carlson, president of the North Dakota Farmers, said food security is an issue that should "become important in the mind of Congress." As head of a farm group from a farm State, this position is understandable. And Sen-

ator DORGAN repeated that position here: food security is a national security issue.

On October 11, Representative HENRY WAXMAN called for the regulation of sniper rifles under the National Firearms Act. In his statement, he cited a national security need for such legislation. He was right. Self-defense is a national security issue.

On October 11, Newsday reported that several television networks had discussed screening video footage of Osama bin Laden before airing that footage publicly. Such screening is necessary—it is a national security issue.

In July, the Senate Appropriations, Intelligence, and Armed Services Committees held hearings on terrorism. On October 12, the House Committee on Government Reform held a hearing to assess the threat of bioterrorism in America. Clearly, these are all national security issues.

Just a few days ago, the junior Senator from Washington, Ms. CANTWELL, said the northern border is a national security issue because it controls the flow of people and goods between our country and Canada. Representative MARGE ROUKEMA voiced similar concerns about the northern border and the need to triple the number of border agents patrolling the area. These are national security issues.

Congress is considering a seaport security bill, an economic stimulus package with infrastructure security measures, increased funding for the intelligence communities, and better preparedness within the health community. All of these specific items have been tied to national security.

But none of these national security issues faces the threat of a filibuster. To filibuster any of these actions that involve national security would be wrong for the country. Amazingly, some Members of this body have now threatened to filibuster specific portions of the comprehensive energy bill.

Tuesday's Baton Rouge Advocate reported the President may direct an additional 70 million barrels of oil be put into the National Strategic Petroleum Reserve. The President realizes that energy is a national security issue.

My colleague, Senator MURKOWSKI of Alaska, the ranking member on the Energy and Natural Resources Committee, has been calling for a comprehensive energy package for over 2 years. He has been joined by Senators BREAUX, LANDRIEU, THOMAS, CRAIG, and others. Most recently, Senator INHOFE took to the floor to make the point that energy should be at the top of the list of national security issues. I agree with my colleagues and countless others who have called energy a national security issue.

Yesterday, several veterans groups called on the Senate to consider an energy bill. In early October, the Printing Industries of America called for an energy plan in response to last year's domestic energy shortages and high fuel costs. Charles Jarvis, chairman

and CEO of the United Seniors Association, called on the Senate to consider legislation that would lower our dependence on foreign oil. His members do not want to be held hostage by countries that do not share our interests.

If any issue should be debated along with an economic stimulus package, health preparedness, and airline security, it must be energy. Planes cannot fly without jet fuel. Americans cannot drive without gasoline. Roads cannot be made without crude oil, and many medicines cannot be made without the chemicals that come from crude oil. Many of our everyday products are in fact made from crude oil. Economic stimulus, health care, and transportation are all tied to energy and oil.

In 1973, the Senate debated the amendment to create a right-of-way from Alaska's North Slope to Valdez, which I offered with my then colleague from Alaska. The amendment allowed the transport of 2 million barrels of oil a day, which that pipeline is capable of carrying. At the time there was a tacit understanding in this body that any item dealing with national security would not be filibustered. Perhaps Senator Moss of Utah put it best when he said:

I cannot get overly upset about the ritual mating season for Alaskan caribou when in the city of Denver last weekend it was almost impossible to find gas. How long do you suppose the people of this country will tolerate an empty gas tank while we debate the merit of a pipeline to bring 2 million barrels of oil a day over a right-of-way traversing lands that belong to the people of the United States?

Mr. President, one of the arguments put forth by opponents to that right-of-way was the potential impact of the oil pipeline on caribou. Nearly 30 years and over 13 billion barrels of oil later, there are more than 4 times the number of caribou in that area of Alaska compared to the years before the oil pipeline.

During the debate on the Alaska oil pipeline amendment, Energy Committee Chairman Henry Jackson, my great friend from Washington, said the pipeline "involves a national security issue." He said, "There is no serious question today that it is urgently in the national interest to start north slope oil flowing to markets."

He also said that if he saw any more attempts to delay construction of the pipeline, he would push legislation to have the Federal Government build the project. The national security concerns were that important to Scoop Jackson, and they are important to me.

Even Senator Walter Mondale supported the construction of the Alaska oil pipeline and the transport of oil to the lower 48. He said then, "It has always been my position that we need Alaskan oil and that this oil should flow to the lower 48 as soon as possible, consistent with environmental safeguards and the greatest benefit for the entire country."

In addition to that, Senator Bartlett of Oklahoma said then, "We need every

possible drop of crude oil production that can be developed and maintained."

We debated the construction of this 800-mile pipeline when we believed there was a probability we could recover 1 billion barrels of oil from the area near Prudhoe Bay. As I said, last year, Alaskans produced our 13 billionth barrel of oil from Prudhoe Bay.

I want to talk about that same pipeline today being used to transport oil from the Arctic Coastal Plain—an area predicted to contain a minimum estimate of 5 billion barrels of oil, with the possibility of up to 30 billion barrels of oil. This is a resource on Federal land; it is not a State resource. Not to have it available to produce puts us at the mercy of foreign interests who produce the oil we import.

The Alaska oil pipeline carried 2 billion barrels during the Persian Gulf war. It was up as high as 2.1 billion barrels a day. We increased it, through special means, to secure the supply for America and to assure that we had domestic oil to rely upon then. Now our Alaska pipeline is only half filled with oil coming from Prudhoe Bay and other north slope wells. If the remainder of the pipeline is to be filled, it must come from the coastal zone, from the ANWR area. At the minimum estimate of 5 billion barrels, being produced at 1 million barrels per day, that oil supply would last for over 14 years. At the medium estimate of 10 billion barrels it would last for 27 years.

As I stand here, I remember the debate on the oil pipeline. I remember Alan Bible of Nevada sitting right there across the aisle from me. We were in the minority. Senator Bible then was in the majority. He said to me that he had not made up his mind about the pipeline. I don't think I have seen it since—I had never seen it before. But Senator Bible sat there for the whole time of the debate on the floor, and just before the end of that debate he came to me and said: I am going to vote with you because I know this is a national security issue.

There is no question today, because of the security crisis we face and our dependence upon foreign oil, the oil from Alaska's north slope is a national security issue. We now import nearly 60 percent of our oil daily. We have over 700,000 barrels of oil a day coming from Iraq—Iraq, Mr. President. There was not one barrel of oil coming from Iraq at the time we debated the concept of what we should do during the Persian Gulf war. Obviously, there has been a great change.

It is estimated that we will import nearly 230 million barrels of crude oil from Iraq by the end of this year. Almost 40 million barrels of that will be unloaded in California. Why? It is replacing oil that used to be delivered to California through the Alaska oil pipeline.

As I said, we delivered 2.1 billion barrels a day during the Persian Gulf war. Today, it is 1.2 billion barrels a day. At

a rate of \$20 per barrel, we send over \$5 billion a year to Iraq to buy oil that we could produce in our own country.

During peacetime operations, the Department of Defense uses about 300,000 barrels of oil a day. Most of it is jet fuel. That has increased now by over 200,000 barrels a day, as it did during the Gulf war. Defense fuel usage is increasing daily because of our activities in the global war against terrorism, particularly the events in Afghanistan.

During the Alaska pipeline debate, Senator Paul Fannin of Arizona gave two reasons for why the pipeline was a national security issue. First, he said it would reduce our dependence on foreign countries. Obviously, that was a valid statement.

Senator Fannin's second point was the construction of the pipeline would create tens of thousands of jobs. It did. Economic reports show that a small pipeline connecting the Alaska pipeline to transport oil out of the Coastal Plain will create several hundred thousand jobs nationwide.

Just yesterday I was given a study completed by the American Petroleum Institute. It stated that oil transported from the Coastal Plain down the pipeline to the Valdez terminal would require the construction of an additional 19 tankers to transport that oil to the coastline of the United States, particularly the west coast.

It will take 19, as I said, new tankers, with 2,000 direct construction jobs and 3,000 support jobs for each tanker. That is 5,000 jobs per tanker resulting in over 90,000 new jobs just in the shipbuilding industry by opening the coastal plain of ANWR for exploration and production.

During the debate on the Alaska pipeline issue in this body, I said, "We cannot afford to bury our heads in the snow and freeze, nor must we allow our economy and the jobs of thousands to be endangered while we stand idly by." That was true then, and it is even more true now.

Drilling on the Arctic coast and going forward with production of oil in the United States will help stimulate this economy. I intend to raise this issue again and again as we talk about stimulus for the economy.

I hope we will not hear the threat of filibuster against this measure to bring oil from the Arctic coast to the United States. It is a national security issue, and it must not be filibustered. No national security issue has ever been filibustered on the floor of the Senate. To do so now would be not only a violation of tradition, it would be a travesty of justice during a time of war.

I intend to speak often on this issue in the days to come. We cannot end this session of Congress without a national security energy plan which includes Alaska's North Slope oil and gas potential, particularly the oil and gas from the coastal plain.

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. BINGAMAN. 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.

Mr. BINGAMAN. Mr. President, I wish to speak in morning business for up to 5 minutes.

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

#### SEASONAL ENERGY EFFICIENCY RATING

Mr. BINGAMAN. Mr. President, I am here to address another aspect of the energy issue that will come before us as comprehensive energy legislation, hopefully either this fall or early next year. It may seem to be an unusual item to address on Halloween as we are going into the colder months of the year, but it is one which I think deserves attention.

There was a development 10 days ago that I think needs to be called to the attention of colleagues in the Senate. About 10 days ago, the Environmental Protection Agency transmitted formal comments to the Department of Energy—that is one agency of the Federal Government commenting to another Agency or Department of the Federal Government—on the proposed standard for efficiency in central air conditioners. The Clinton administration had finalized a rule that mandated a 30-percent increase in efficiency for those central air conditioners. It was a so-called 13 SEER standard. SEER stands for seasonal energy efficiency rating.

Shortly after the current administration took office, they proposed to back off this mandate and reduce it to only a 20-percent increase or a 12 SEER standard. The argument used by the new administration in rolling back the air-conditioning standard struck many of us in Congress as being based on outdated price data and a faulty analysis.

The Committee on Energy and Natural Resources, where the distinguished Presiding Officer and I both serve, had a hearing on this topic. We had expert testimony that demonstrated these analytical problems in the decisionmaking which the new administration had gone through.

This EPA filing 10 days ago encapsulated those concerns eloquently. In the Agency's own words, the new proposed standard—that is, the 12 SEER standard, the lesser standard this administration embraced—"overstates the regulatory burden," it "understates the savings benefits of the 13 SEER standard, over and underestimates certain distributional inequalities," and "mischaracterizes the number of manufacturers that already produce at the 13 SEER level or could produce at the 13 SEER level through modest changes to the product. . . ."

I will read one other quotation from the explanation of the EPA position. It says:

EPA believes there is a strong rationale to support a 13 SEER standard.

That is what the previous administration adopted.

EPA also believes that the more stringent standard will be more representative of the long term goals of the administration's energy policy and will do more to reduce both the number of new power plants that need to be constructed, as well as the emissions resulting from these plants. . . .

While these comments by the Environmental Protection Agency have received some attention, I believe they deserve broader attention by the public and certainly deserve to be recognized by people in the Senate.

I ask unanimous consent that the text of the EPA letter to the Department of Energy and their explanation which they attached to that be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, getting to a more efficient air-conditioning standard is an important part of a national energy strategy. This past summer, a nationwide heat wave in August led to brownouts and blackouts as our electricity system was stretched to its limits. While the new standard would take effect gradually over the long term, it would help reduce the peak demand for electricity on very hot days, and it would give consumers a break.

I have been informed that thousands of public comments have been filed with the Department of Energy favorable to the 13 SEER standard, demonstrating broad public support for sticking with that standard.

Previously, I indicated my belief that we should include a legislative provision mandating a 13 SEER standard in any energy legislation that we pass. It should be clear to all that this is a matter where there is broad public support for the better standard, and I believe the administration should try to be in line with that public sentiment.

I hope the Department of Energy decides to go back to the earlier established standard, and they can certainly do that administratively without Congress having to act. But if DOE continues to push for watering down the standard, then I hope the Office of Information and Regulatory Affairs in the Office of Management and Budget will exercise its watchdog role to ensure that good technical and economic analysis carries the day on this issue.

I expect we will continue to see strong legislative support for this standard in the debate on energy legislation we have over the next weeks and months, and I hope that ultimately the EPA view of this matter will prevail.

EXHIBIT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Washington, DC, October 19, 2001.

Ms. BRENDA EDWARDS-JONES,  
U.S. Department of Energy, Washington, DC.

DEAR Ms. EDWARDS-JONES: On behalf of the U.S. Environmental Protection Agency, I am

pleased to submit the attached comments to Docket No: EE-RM-98-440, the Department of Energy's Proposed Rule: Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards.

DOE has proposed a change to its previously issued standard that decreases energy efficiency requirements for residential air conditioners and heat pumps. DOE proposes to withdraw its previously issued 13 SEER standard and replace it with a 12 SEER standard. These comments affirm EPA's support for DOE's original 13 SEER standard.

EPA believes there is a strong rationale to support a 13 SEER standard. A 13 SEER standard represents a 30% increase in the minimum efficiency requirements for central air conditioners and air source heat pumps. In contrast, a 12 SEER standard represents only a 20% increase. The Administration's National Energy Policy stresses the important role that energy efficiency plays in our energy future. A 13 SEER DOE standard will do more to stimulate energy savings that benefit the consumer. DOE has quantified these savings at approximately 4.2 quads of energy over the 2006-2030 period, equivalent to the annual energy use of 26 million households and resulting in net benefits to the consumer of approximately \$1 billion by 2020. In comparison, DOE projects that only 3 quads of energy would be saved over that same period with a 12 SEER standard.

A 13 SEER standard will also do more to reduce fossil fuel consumption and more to limit emissions of air pollutants. For example, by avoiding the construction of 39 400 megawatt power plants, a 13 SEER standard will reduce nitrous oxides (NO<sub>x</sub>) emissions by up to 85 thousand metric tons versus up to 73 thousand metric tons that would be reduced with a 12 SEER standard. A 13 SEER standard will also result in cumulative greenhouse gas emission reductions of up to 33 million metric tons (Mt) of carbon. This is in contrast to a 12 SEER rule which will reduce up to 24 Mt of carbon equivalent by avoiding the construction of 27 400 megawatt power plants. At a time when many areas across the nation are struggling to improve their air quality, the additional emissions reductions achieved by a 13 SEER standard are especially important.

Thank you for the opportunity to provide these written comments. Should you have any questions, please contact Dave Godwin in EPA's Office of Air and Radiation at 202-564-3517 or via e-mail at godwin.dave@epa.gov.

Sincerely,

LINDA J. FISHER,  
Deputy Administrator.

COMMENTS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON THE PROPOSED RULE: ENERGY CONSERVATION PROGRAMS FOR CONSUMER PRODUCTS; CENTRAL AIR CONDITIONERS AND HEAT PUMPS ENERGY CONSERVATION STANDARDS, OCTOBER 10, 2001

#### OVERVIEW OF EPA COMMENTS

The Environmental Protection Agency welcomes the opportunity to comment on the Department of Energy's Proposed Rule setting forth energy conservation standards for residential central air conditioners and central air conditioning heat pumps. EPA recognizes that the new proposed DOE rule represents a 20% increase in minimum efficiency standards for central air conditioning and heat pumps. However, we instead support the previous final rule of a 30% increase.

EPA has issue with several of the arguments DOE used to justify the withdrawal of the previous final rule as outlined within the Federal Register Notice of July 25, 2001 and the Technical Support Document. In sum-

mary, EPA believes that the information in the Federal Register Notice of July 25, 2001

overstates the regulatory burden on manufacturers due to HCFC phase-out and concludes that the industry is under greater financial pressure from a 13 SEER standard than it is.

understates the savings benefits of the 13 SEER standard,

over and underestimates certain distributional inequalities,

mischaracterizes the number of manufacturers that already produce at the 13 SEER level or could produce at the 13 SEER level through modest changes to the products, and thereby mischaracterizes the availability of 13 SEER product.

[EPA believes there is a strong rationale to support a 13 SEER standard. EPA also believes that the more stringent standard will be more representative of the long term goals of the administration's energy policy and will do more to reduce both the number of new power plants that need to be constructed, as well as the emissions resulting from these plants.] EPA's more detailed comments are provided below.

Another example would be:

Move directly to producing R-407C and/or R-410A units that meet the new DOE efficiency regulations;

Increase the production of these units to meet customer demand by 2006;

Meanwhile, phase out all HCFC-22 units by 2006.

Of course, some combination of these strategies is more likely to be taken and seems to offer the most opportunity for manufacturers to reduce regulatory burden.

The TSD states "To the extent that manufacturers can introduce new products utilizing the new refrigerant and meeting the new efficiency standard, the cumulative burden will be reduced." (TSD page 8-62). EPA believes that there is ample opportunity to meet both a 13 SEER efficiency standard and a ban on HCFC-22 in new equipment with limited regulatory burden.

#### UNDERESTIMATES OF SAVINGS IN THE COST BENEFIT ANALYSIS

DOE's analysis of the benefits of the withdrawn 13 SEER rule are significantly underestimated. DOE's analysis is based on summer 1996 electricity prices, adjusted downward based on EIA projections of future annual electricity prices. Changes in the electricity market due to utility deregulation has resulted in increased electricity prices overall. DOE did not consider this trend in its analysis.

According to Synapse Energy Economics' wholesale electricity price data, DOE analysis underestimates the cost of electricity for residential air conditioning by an average of approximately \$0.02/kWh. In addition, the California Public Utilities Commission raised some residential rates by as much as 37%, affecting more than 10% of the U.S. electricity market and thereby, raising the national average electricity prices above DOE's projections. Adjusting DOE's analysis to include more recent electricity prices will definitely and drastically alter the results indicating that a DOE minimum standard of 13 SEER represents the better decision for the nation.

#### OVER AND UNDER ESTIMATES OF DISTRIBUTIONAL INEQUITIES

EPA sees distributional inequalities that DOE has not adequately considered. One results from the fact that the residential price of electricity does not capture the complete cost for running systems that largely run at peak times. That is, except in select circumstances, residential customers purchase electricity based upon average rates, not "time-of-use" rates. The actual costs of electricity at peak times are dramatically more

and therefore, higher peak rates drive up the average costs. Less efficient equipment operating at peak times drives up the cost of electricity for all customers, including those of low income, who are less likely to have central air conditioning. According to 1997 Residential Energy Consumption Survey (RECS) microdata (the same data set used by DOE in their analysis), of the total 101 million households represented, approximately 46% have central air conditioning, but among poor households, only 25% have central air conditioning; just half the rate of presence among non-poor households (See Exhibit 2).

Also related to distributional equities and according to the RECS data, among households below the poverty level, about 60% rent their housing units. This is in contrast to 27% of above poverty level households that rent (See Exhibit 2). Therefore, low-income consumers, or those defined as "poor" in TSD Table 10.1, are not the ones to buy a central A/C or heat pump product, but they would be the one to pay the utility bill (or likely face increased rents if utilities were included in their rent) for the use of that product. Instituting a higher minimum efficiency standard will actually ensure that low-income consumers have lower utility bills, providing a benefit to this population.

#### MISINFORMATION ON PRODUCT AVAILABILITY

DOE justifies a lower SEER rule because the higher efficiency levels would put manufacturers out of business. However, according to the Air Conditioning and Refrigeration Institute (ARI) database of model combinations, many manufacturers already produce models that meet the 13 SEER requirements. This technology has been available for many years to large and small manufacturers alike. Although confidential ARI shipment information may not reflect large sales of high efficiency equipment, the publicly accessible ARI database of models shows extensive product availability. Over 7,000 air source heat pump model combinations and over 14,000 central air conditioner model combinations currently meet or exceed the 13 SEER level as listed by ARI.

The TSD (TSD page 8-2) describes a group of manufacturers that "offer more substantial customer and dealer support and more advance products. To cover these higher operating expenses, this group attempts to "sell-up" to more efficient products or products with features that consumers and dealers value." With a higher standard, these manufacturers would not go out of business, but would rather continue to sell-up, to even higher efficiency levels or additional valued features.

Furthermore, results and upcoming plans for utility programs around the country also document the availability of 13 SEER and above products, as well as the demand for such products. Austin Energy's Residential Efficiency Program 2000-2001 gave rebates to single family existing homes for installation of split systems and heat pumps with efficiencies of 12 SEER and above. Rebates were staged: \$150 for 12.0-12.9 SEER; \$250 for 13.0-13.9 SEER; \$400 for 14.0-14.9 SEER; and \$500 for 15.0 and above. In total, 4,000 rebates averaging \$312 were given to consumers. These numbers illustrate that a significant portion of the rebates given were for 13 SEER and above units.

In New Jersey, a 3-year rebate structure began in 2000 with a \$370 rebate given for the installation of 13.0 SEER equipment and a \$550 rebate given for 14.0 SEER equipment. A total of 14,000 rebates were given in the year 2000. As of August 2001, 8,000 rebates were given out with approximately 6,000 of these units at the 14.0 SEER level. Overall results in New Jersey show that 27% of the market

(1998-2000) are 13 SEER or higher with 60% of those being at the 14 SEER or higher levels.

The Long Island Power Authority (LIPA) instituted a program similar to the one in New Jersey offering rebates for installation of 13.0 and 14.0 SEER equipment. Results to date show that LIPA is on target to reach their goal of approximately 3,500 rebates for 13 SEER equipment. Approximately 80% of these rebates are for SEER 14 equipment. LIPA is expecting to ramp up to 5,000 rebates in 2002. Overall, 17% of LIPA's market in 2000 is at 13 SEER or higher, with the market share for existing homes even higher at 22%.

Program plans for 2002 in Texas and California are geared toward equipment at 13 SEER and above. Reliant Energy in Southeast Texas is planning an incentive program to target 13 SEER and above matched systems. California's two large municipal utilities (Sacramento Municipal Utility District and Los Angeles Department of Water and Power) and four investor owned utilities (San Diego Gas and Electric, Southern California Gas, Southern California Edison, and Pacific Gas and Electric), serving over 30,000,000 consumers, are planning rebate programs to assure California residents receive energy efficient equipment, measures, and practices that provide maximum benefit for the cost. These programs all revolve around 13 SEER equipment or higher. Actual incentive amounts are not yet available.

#### RECORD CLARIFICATION

Mr. BINGAMAN. Mr. President, I have a clarification for the RECORD. Amendment No. 2018 is an Inhofe amendment and not a Chafee amendment.

The ACTING PRESIDENT pro tempore. The RECORD will so reflect.

#### ORDER FOR RECESS

Mr. BINGAMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate recess today from 12:30 p.m. until 2:15 p.m.

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

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now resume consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Dorgan amendment No. 2024, to provide for mandatory advanced electronic information for air cargo and passengers entering the United States.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, first I salute Chairman HARKIN and Senator SPECTER for doing, in my view, a superb job with respect to this bill. They have really set a special standard in terms of trying to work on important issues in a bipartisan way. The chairman has left the Chamber, but I want him to know how much I appreciate the good work he and his staff are doing on this issue.

This morning I wish to talk about a health and a scientific issue of extraordinary importance, and that is the vacancies that now exist at the National Institutes of Health, the Food and Drug Administration, and the National Cancer Institute. At a time when the public is focused on public health because of bioterrorism, there are many reasons we should be concerned about the work of these agencies and get these positions filled.

I want to talk for a few moments about why I am so troubled by the vacancies we are seeing at these agencies today. This has been, as all of us know, a decade of remarkable scientific progress in the health care field. It has really been something of a scientific and health care renaissance with extraordinary amounts of information learned about cells, about cancers, about what has come to be known as biological detectors that are important as we deal with anthrax and smallpox, and various other serious health concerns that Americans are focused on today.

This scientific progress has been bipartisan. Democrats and Republicans alike have joined to support funding for these very key public health agencies, and we have worked together to ensure these programs are properly funded.

I am convinced if those vacancies are not promptly filled, if we do not soon get a head of the National Institutes of Health and the Food and Drug Administration and the National Cancer Institute—if those positions are not soon filled—it threatens to unravel some of the important progress that has been made in this country over the last decade.

Suffice it to say, if those positions are not filled, a message is sent to the young scientists, to the young future leaders of this country in the health care field, that the Federal Government does not think this is particularly important. It takes years for

companies to get products developed and approved, and this is especially true of the new products created by biotechnology. It is important that we have scientific leadership throughout this process—at the companies developing these products and at every level of these two important agencies—NIH and the FDA. Without these scientists throughout the process, in the companies, and at the Federal level, biotech companies lose the incentive to invest in what might be the next medical breakthrough.

I spoke to a group of students on a college campus just a few days ago. A young woman came up to me and only half jokingly said: "I am ready to be the head of the National Institutes of Health. I have focused on these issues. I have studied the questions for some time. Why in the world can the Federal Government not get somebody to head the National Institutes of Health right now?"

I have focused on health care and technology questions over the last few years in Congress, and the business community is especially alarmed that these vacancies are open. They want to work with leaders at the Federal level to expedite the development of drugs, vaccines, and therapies. One of these business leaders told me recently what concerns him is that at a time when the public is focused on public health, on the question of how to deal with anthrax and smallpox and bioterrorism, there is not anybody home in the Federal Government.

I think it is extraordinarily important that the Congress work with the President to get the officials we need sent up for review by the key committees. The National Institutes of Health has now been without a leader for almost two years.

The National Institutes of Health is now hemorrhaging the key people they need to be effective advocates for the public health. Recently, there was another vacancy at the National Institutes on Mental Health, and there is a vacancy at the National Cancer Institute. There has been a substantial period of time where we have not had anybody heading up the Food and Drug Administration.

If we want to attract the stellar scientists whom I know Democrats and Republicans both are so interested in supporting, we are not going to be able to do it, and we are going to lose very talented people who are in these agencies now.

We are already seeing a real brain drain in these essential agencies. What we need to do, and the Congress is prepared to do, and what the chairman and Senator SPECTER have made it very clear that they are willing to do, is make sure these agencies are properly funded. What we need now especially are scientifically sound programs to take on anthrax, smallpox, and ensure we can allow our scientists to work on what are known as biological detectors so we can move more rap-

idly and readily to recognize the agents in the field. We can more precisely describe the various strains of these bacteria and diseases. We will have a chance to learn more about their genomic sequence and develop creative strategies for public health that could pay very significant benefits for this country. Certainly the potential benefits to this country can be extraordinary.

I am very interested in working with the President on filling these positions. Biomedicine research and science policy has long been bipartisan. Senator Mack, for example, from Florida, did yeoman work for years and years with Senator SPECTER, Senator HARKIN, myself, and others. That is the kind of progress, it seems to me, that is in danger of being lost at this time.

The President of the United States certainly has lots on his agenda right now. All of it is extremely important as we deal with the question of fighting terrorism. I come to the Chamber today to say it is of extraordinary importance these positions at the National Institutes of Health and the Food and Drug Administration move to the top of the President's agenda, move to the top of the congressional agenda, and we work together in a bipartisan way, as we have done on a variety of subjects in recent weeks, to get the key officials in these agencies in place.

To make progress in the area of biomedical research and science, we need a public-private partnership, one where the Federal Government is involved in ensuring our laboratories are helping address issues that involve coming up with the basic knowledge that companies and scientists can then take to develop the cures and therapies that will improve the quality of life for the public.

I want to work with the President of the United States to get the biosciences back on track. I want to make sure we don't step back from this golden age of scientific progress, when we had an administration committed to ensuring we moved forward with this important research, and Congress backed it up on a bipartisan basis. The Congress has the power to advise and consent, and it is important that the Congress and the President work together to fill the positions at the Food and Drug Administration, the National Institutes of Health, and the National Cancer Institute.

We are not dealing just with bioterrorism although that is obviously very much on our mind this morning—but the entire public health system. We are seeing, obviously, when we open our morning newspaper, there are gaps that we need to address. We can best address this if officials in these key agencies are in a position to advise the Congress.

It has been too long that we have gone without a leader at the National Institutes of Health. It has been too long that we have gone without a leader at the Food and Drug Administra-

tion. The Senate will meet the President of the United States more than halfway. He can speak for himself. He has been extraordinarily eloquent on biomedical research over the years. Senator KENNEDY, who I have discussed this with, has made it very clear as chairman of the committee that focuses on these issues, he is very anxious to get these officials confirmed.

I hope this message this morning, at a time when we are working on this important bill that funds so many key health agencies, can help spark a new effort to speed up getting these key positions filled. I, and I believe every Member of the Senate, wants to work with the President to get these positions filled. Even though there are so many important issues the President has to deal with, this issue of the vacancies at the National Institutes of Health, the Food and Drug Administration, and the National Cancer Institute has become so serious, it needs to be a priority matter that Congress moves quickly to deal with. We ought to move quickly to deal with it before we adjourn for the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we urge our colleagues to come to the Chamber to offer amendments. There was a long list filed yesterday where we have a unanimous consent agreement limiting amendments to those which have been listed. Many of them are obviously placeholder amendments. We need to move ahead with this bill. We have been on this bill now into our second day. We have had only one amendment offered so far. We urge our colleagues to come to the Chamber and identify what amendments they intend to offer and to be in a position to move forward to proceed with the disposition of this bill.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I yield.

Mr. REID. We have an amendment pending, the Dorgan amendment. Has there been a decision made whether that would be accepted or do you want a vote on it?

It is my understanding now that staff is still working on that.

Senator STEVENS wanted to alternate back and forth, and I said that was fine, but if we could get all Democrats to offer their amendments and all Republicans, one after the other—we are so desperate to have amendments, we don't care where they come from.

Mr. SPECTER. If I may respond, I don't think we have a problem on alternating. We have a problem finding amendments. If a series of amendments from your side of the aisle come forward, we will take them; and if a series of amendments from our side of the aisle come forward, we will take them. If there is a complication, we will alternate. We are now in search of amendments.

The Senator from Alabama is prepared to offer an amendment. I ask



unanimous consent the pending amendment be set aside so we may proceed to the amendment of the Senator from Alabama.

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

AMENDMENT NO. 2042

Mr. SESSIONS. I thank Senator SPECTER for his leadership and courtesy in allowing me to present this amendment which I believe is exceedingly important to health care in America. It is a problem with which we simply have to deal. It affects hospitals all over America, causing the richer hospitals to get richer and the poorer hospitals to get poorer.

The problem is the wage index. I offer the Wage Index Fairness Act, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2042.

Mr. SESSIONS. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

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

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to establish a floor on area wage adjustment factors used under the medicare prospective payment system for inpatient and outpatient hospital services)

On page 54, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ (a) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT HOSPITAL SERVICES.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting “(i) IN GENERAL.—” before “The Secretary”, and adjusting the margin two ems to the right;

(2) by striking “The Secretary” and inserting “Subject to clause (ii), the Secretary”; and

(3) by adding at the end the following new clause:

“(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

“(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

“(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.”.

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR OUTPATIENT HOSPITAL SERVICES.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: “For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii)

of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.”.

Mr. HARKIN. Will the Senator yield?

Mr. SESSIONS. I yield.

Mr. HARKIN. Which amendment?

Mr. SESSIONS. The Wage Fairness Index Act.

Mr. HARKIN. I thank you.

Mr. SESSIONS. I note that Iowa is also adversely impacted by this wage index formula.

I introduced this amendment as a bill earlier this year with my colleagues, Senator SHELBY and Senator HUTCHINSON. We have a terrible inequity in the system and in the index formula. This amendment will establish a floor on the area wage index adjustment factors that are utilized under the Medicare prospective payment system for inpatient and outpatient hospital services. I believe this is the best way to do that.

Several other Members have other proposals to help fix this problem. This is a solution I believe would be most effective. Over the past several years, I visited a number of hospitals, 15 or more, in the State of Alabama. In every one, hospital administrators and staff have urged me to do something about the wage index. Time after time it has been cited to me in personal and confidential discussions, just heart to heart, as we discussed the frustrations and problems they face in hospitals, and in particular rural hospitals. It has been raised to me as a No. 1 issue facing hospitals in Alabama.

The Alabama Hospital Association and its members have helped craft a plan. They consider it an emergency problem and a priority for them. The National Hospital Association has recognized this as a problem, and they support reform.

A complicated and a mostly arbitrary formula, the wage index, is part of the hospital prospective payment system which was created just in the early 1990s, about 10 years ago. We are just now beginning to feel how it plays out in real life. It was an effort to cut Medicare spending. It established a base rate for Medicare reimbursement based on two components—the labor component and the nonlabor-related costs. That is how a hospital is paid for Medicare services they render to a person who is not otherwise paying. This could be the elderly on Medicare and they come in and the hospital provides services. All they get for that service is what the Federal Government pays them under the Medicare Act.

So everyone knows that basically hospitals are not making any money. In fact, they lose money, often, on Medicare patients. It is the individuals who pay their way or have insurance to pay their way who help them be a success. The hospitals that have larger numbers of Medicare patients who

serve a poorer population are more critically impacted by this problem. Once again, the wage index is falling particularly hard on hospitals that serve a disproportionately high number of Medicare patients and poor patients—Medicaid also.

It established a base rate for paying Medicare costs. They decide how much we are going to pay for a gall bladder operation, how much we will pay for pneumonia and other things, and that is what the hospital gets. They factor that on labor and nonlabor costs.

Nonlabor costs—that is the material and all—are similar nationwide, and the factors come out the same. But labor-related costs must be adjusted to regional differences in wage costs. This adjustment is made according to the wage index. The wage index, by the way, is a larger component of the cost of hospital care than the other factors. It is the biggest component. I believe about 60 percent of the reimbursed rate is based on the wage rate.

Rural areas such as Alabama and other States have lower wage costs, which is not a good thing. We don't like it that our nurses and support personnel aren't paid the same wages as in other States. But it is true we have some lower wage rates. Therefore, the Medicare reimbursement cost for health care in Alabama and many other States and rural areas even within larger States is much lower. Actually, Alabama has the lowest average wage index in the country and Montgomery, AL, the capital—a good, strong city, not some small rural town—has the lowest wage rate in the State. In fact, the wage index for all Alabama hospitals is between .74 and .89, well below the national average of 1.0.

In other words, where the national average is hospitals are reimbursed at the rate of \$1, they are reimbursed at the rate of maybe 78 cents in Alabama, many of them at 74 cents. Some hospitals in the country that have somehow, some way, under this formula found their costs higher, they get as much as \$1.50. So it is twice as much, 74 cents to \$1.50, on 60 percent of the formula on the payment for health care. This is too big a gap. This is more than we ought to accept. For person in Iowa, a person in Alabama, their health care is just as valuable and as important as the health care of someone in New York or California.

To further exacerbate the problem, Alabama has to compete for nurses and hospital personnel with nearby urban areas such as Atlanta. To recruit these highly qualified health care professionals, Alabama hospitals must compete with urban wages. This has become a bidding war and has really impacted adversely the bottom line of hospitals in the State. Until we fix this problem, Alabama hospitals and hospitals all over the country will continue to lose millions of dollars each year. Unfortunately, it is falling hardest, and the losses fall most often, on

hospitals in poorer areas, the ones that are actually doing the care and the good deed of treating people who otherwise would not have health care. They are already forced to make the most of limited resources and to continue to provide care for the State's uninsured.

These hospitals will face tough decisions regarding health care services. They will continue to postpone important projects and the purchasing of much needed equipment. The rich are getting richer and the poor are getting poorer.

In fact, what happens is, when your wage index is low and you talk with your nurses about what kind of raises they might expect, or how many RNs and how many LPNs and how many less skilled personnel you have because you are not being reimbursed at the national rate but maybe 75 percent of the national rate, you end up cutting those salaries even more, so you have more LPNs rather than RNs, you have more support personnel than nursing personnel to try to get by, and what happens then? Your wage index goes down even further. They come in and say: Look, your wage index isn't that high. You don't get reimbursed as much. So your formula can even go down worse.

The Center for Medicare and Medicaid Services, CMS, the Medicare Payment Advisory Commission, and the MedPAC have recognized the problem, and they have even made recommendations to improve the wage index.

In addition to these recommendations, several pieces of legislation have been introduced in this Congress to address the wage index. Five bills have been introduced so far this year to address the wage index. Forty-five Senators from twenty-nine States have either sponsored or cosponsored wage index legislation.

Eight members of the Senate Finance Committee, including the ranking member, Senator GRASSLEY, agree something must be done. Unfortunately, although many have recognized the problem with the wage index, we have not been able to do anything to fix it.

So I raise this issue today to call attention to what is a critical problem in health care in America. Particularly in light of September 11, we know we are going to have to be sure we have a healthy health care system to deal with crises with which we may be faced at any time. If we allow an unfair reimbursement system to continue, then we will allow our hospitals to weaken and eventually close.

This is a matter of serious import. The wage index is irrational. It is not working correctly. It is ratcheting down wages on poorer hospitals in rural areas. When the hospitals cut and reduce and cut and reduce, then the next year the wage index formula people come in and say your wages are lower, and your index drops even further, and you go down even more.

This is something we have to confront. I will share this specific example

from my hometown of Mobile, AL. The wage index dropped from .81 to .77, whereas 50 miles away in Pensacola, FL, it is maybe .87; it is in the high .80s in Pascagoula, MS, an hour's drive either way from the city. That means millions of dollars of reimbursement for those people. Montgomery, our capital, has the lowest rate in the Nation. Its hospitals are hurting as a result.

Mr. President, this is an important issue. The time has come to address it. Although this is a Health and Human Services bill that deals with health care issues, I recognize that this amendment is not appropriately favored to be offered here—although we could offer it with a point of order. I hope we can begin to draw some attention to an issue that is getting out of control. The gap is simply too large. We cannot accept it. We cannot allow it to continue. We have to do something to fix this problem.

My bill will bring everybody up to 92 percent. It would not bring down anybody. It would at least bring those 74-cents-on-the-dollar hospitals up to 92 cents on the dollar. They would still be well below the national average—and well below the people who are above the national average—but it would at least bring them out of poverty and allow them to provide the kind of quality health care we need.

Mr. President, I appreciate the opportunity to make these remarks. I yield the floor and 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. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 5 minutes.

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

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1600 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I will just follow up on the remarks I made previously concerning the wage index and share with our fellow Members some of the information I have concerning this issue.

I have a letter from the Mobile/Baldwin County area hospitals. It was sent to me, Senator SHELBY, and Congressman Callahan. I will share some of the things that are in it supporting the legislation I have offered. They note this:

Because of the huge discrepancy in the Area Wage Index which applies in Mobile and Baldwin Counties, Alabama as compared to our neighboring areas of Pascagoula, Mississippi and Pensacola, Florida, not to mention the even greater discrepancy with other parts of the country, we are beginning to face a critical shortage of skilled registered nurses with which to staff our hospitals. In the last three months alone we have lost at least 87 registered nurses from our area labor pool to traveling nurse agencies and to facilities in adjacent states. Collectively, we have over 200 registered nurse vacancies in the hospitals of Mobile and Baldwin Counties. . . .

We are literally unable to compete with the salaries that are being offered these individuals because of the very low (.80) Medicare Area Wage Index under which we must now labor.

Already our ability to handle the volume of patients being seen in our emergency rooms has been hampered and the waiting time has increased significantly. Already this summer we have had occasions where one or more of our hospitals have had to declare a "Code Red" status, meaning that they could not accept any more patients in their facility that would require intensive care due to a lack of staffed intensive care beds.

As a matter of fact, this weekend I was in an airport and talked to an administrator at one of our area hospitals. He told me for the first time in years, they cannot accept more patients. This is a great hospital. My mother has been there a number of times; other relatives, including my father, have been hospitalized there. I said: You mean you don't have beds or you don't have nurses?

He said: We don't have nurses. We have the beds. We don't have nurses.

This index situation is working in a perverse way so that when you economize, when you reduce your cost and cut your salary and negotiate toughly with nurses and pay them the most minimum salary you can get away with paying them, then they come back the next year and rate your wage costs lower. Then they want you to cut it again next year. This thing is getting out of sync.

We have nurses in Alabama—and I have heard this all over the State in talking to administrators—who go off for a week or two. They work long hours at nearly twice the salaries they make in the State of Alabama. Then they quit working at the local hospitals where they have worked before. This is done because the majority of health care in hospitals in most areas of the country is Medicare/Medicaid work. So if you are not paying a living wage, if you are not paying a basic amount for those Medicare payments—this is our elderly who are most often hospitalized—then the net result of all that is the hospital gets squeezed badly.

Last year, we made a good step in increasing the overall inflation index for



hospitals. We had reduced that substantially as part of the Balanced Budget Act of 1997. It helped us create a surplus in this country, but we realized that it was beginning to cut deeper and deeper and deeper into hospitals. So this helped hospitals across the board.

I know the hospitals in more rural areas are at a double disadvantage because 60 percent of their reimbursement cost is based on the wage index.

Again, in Mobile, one of the larger cities in the State, a city on the coast, Mobile's wage index is 80. They get 80 cents on the dollar. The average in America is \$1. Some hospitals in America are being reimbursed at \$1.50. So this is really a huge difference. That is almost twice.

In Montgomery, another sizable city in the State of Alabama—Alabama is a State of 4 million people, an almost average State in America—it is being reimbursed at 74 cents on the dollar. That is half what you are getting reimbursed in some other areas of this country.

It is draining our qualified nursing personnel and endangering health care, causing the poor to be poorer and the rich, in a way, to get richer. At least the poor will get poorer. Nobody is getting rich on Medicare reimbursement today.

I will share one more letter from the Baptist Health Care System of the State of Alabama. I talked with Dennis Hall a number of times. I have visited in several of his hospitals around the State of Alabama. He is passionately of the belief that the wage index is devastating their health care system. He said:

The national crisis is affecting hospitals in Alabama in dramatic ways. Most of the hospitals in Alabama, including the very strong Baptist Health System, are losing money on operations. We have counted on interest earnings on reserves to offset losses. However, most institutions are now facing losses on their reserves also.

Our total losses in operations for our year ended June 30, 2001 will be in excess of \$21 million. Charity, Medicaid and Medicare played a big role in causing these losses. We simply cannot continue to sustain these operating losses. We certainly cannot be adequately prepared to respond to bio-terrorism should it strike one of our hospitals where we serve.

Mr. President, I have also a letter from the Coffee Health Group. I visited the Coffee Health Group. It is in Florence, AL, the Quad Cities area. There are a number of people in this area, a series of smaller communities in a fairly sizable metropolitan area.

This is what Carl Bailey writes me:

The wage index is a complicated issue that I truly believe few understand. Nevertheless, you have asked us to help you get some grasp of the problem by describing the impact of the recruitment of a registered nurse from one of our Alabama hospitals ("Hospital A") to another institution ("Hospital B") that is already receiving higher Medicare payment due to higher wage index.

Hospital B will pay the travel, lodging, and higher wages to recruit the

RNs. This additional cost to Hospital B actually increases the wage index for Hospital B.

The hospital that is hiring a person at a higher wage and paying all these costs then bills that to create a higher wage index.

This increase can only be paid from other areas because of budget neutrality.

Get that? This increase for Hospital B that is paying a higher wage can only be paid from taking money from the other areas because of budget neutrality. We only have a certain pot of money.

Therefore, Hospital A must share in the cost of paying for the increased wages of Hospital B. Since Hospital A cannot replace this RN, Hospital A's average wage decreases due to the loss of an employee with a higher than average hourly rate.

You get that? Hospital A's, the losing hospital's wage index goes down because their wage rate goes down because they lost one of their higher paid people and one of their better people.

This lowers the wage index for Hospital A and because of budget neutrality further increases the wage index gain for Hospital B. To respond to the shortage of staff, Hospital A then hires two or three nursing assistants to share the workload, reducing the number of nurses. This creates an even lower wage index for Hospital A which decreases the wage index even more. It also decreases the quality of care in Hospital A. Again, because of budget neutrality, the decrease in reimbursement to Hospital A is passed on as a higher wage index to Hospital B. Hospital B is now in a better financial position to hire additional employees from Hospital A than they were before, and the cycle continues.

Although this scenario takes three years to play out, the mechanics are very real. We in Alabama have been living with similar recruitment strategies and subsequent negative reimbursement impact that has occurred in the past. Our loss in the past cannot be recruited, but we must stop the flow of Medicare funds from the "have-nots" to the "haves."

Mr. President, those are the points we are making. This affects hospitals all over America, States such as New York. Both Senators from New York support wage index reform because their State has large numbers of hospitals that are being adversely affected. It is not just what State or what area of the State you are from; the gap has grown too great, and the gap is widening and accelerating. It is not good for quality of health care in America. We have to do something about it.

Perhaps this is not the best bill to fix it, but I hope we can bring some increased attention to it. I look forward to working on it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from Alabama for raising

this very important issue. It is also an important issue to our providers in my State also, I might add. According to the Iowa Hospital Association, providers in Iowa would get about an additional \$25 million a year under this amendment. To put it simply, we are being discriminated against in our State and in a lot of rural areas, as I am sure Alabama is.

This critical issue is at the center of States' like Iowa that are trying in vain to recruit and retain an adequate number of providers in rural areas. This is something of which I am very supportive. This is a point in time where I wish I were chair of the Finance Committee and we had a finance bill on the floor and we could take care of it right now.

The Senator raised this issue in good faith. He is right on the mark. We have to change this wage index floor. We have to raise that floor. Also, I say to my friend from Alabama, since we are now talking about this issue, I ask him to look at another piece of legislation that I and others have introduced called the FAIR Act. The difference in States between Medicare reimbursement for Medicare patients on a per patient basis vary widely. Some States are as low as about \$3,000 per beneficiary per year; some States are as high as \$7,000 per beneficiary per year. In other words, if you are on Medicare in one State, the reimbursement rate for your State might be as high as \$7,000; in another State, it may be less than half that amount. In Iowa, we are No. 50 out of the 50 States. I think Alabama is down pretty low with us. We need to close that gap. My bill would do just that as well as address the wage index floor problem this amendment seeks to address.

My bill would take the national average and you say that no State can go over 105 percent and no State can go under 95 percent. You would leave some leeway for different problems, but no State could go over 105 percent and no State could go below 95 percent of the average. I ask the Senator to take a look at that because that is something that would even out some of the problems we have in Medicare reimbursements. But the bottom line is simple. Any Medicare reform bill, whether it is attached to an appropriations bill or goes on its own, has to include a provision to level the playing field and fix a system that is currently unfair and inequitable. Again, I would like to accept the Senator's amendment and include it in this bill, but the Chair and Ranking Member of the Senate Finance Committee have made it clear that they will oppose any attempt to attach amendments that fall under the jurisdiction of the Finance Committee—including this amendment—to this appropriations bill.

I wanted to mention that, and I thank the Senator for raising this issue. Count me on board to work with him to see what we can do.

Mr. SESSIONS. I think it would take a point of order to do this. I wanted to

raise this issue, and maybe others would like to speak on it. I would like to go on to another issue. I have had my say at this point. Perhaps a vote would not be necessary on this amendment or on a point of order. It is a health care bill.

It is time to talk about one of the biggest problems we have in health care, which I believe is the wage index. I have been to hospitals and talked to administrators and CFOs, the people writing the checks, and the heads of nursing, and they see people leave, driving up the wage index at another hospital and reducing theirs even further. We have to fix this.

Mr. HARKIN. The Senator is right on target on this issue.

Mr. SESSIONS. I thank the Senator for his interest and leadership.

I yield the floor.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Alabama for raising this important issue. I believe it has national implications. There is certainly a problem in my state of Pennsylvania.

For those who are watching on C-SPAN II and don't understand the procedures, it might be worth a word or two of explanation. This is a matter for the Finance Committee, and they have the jurisdiction over this matter and have lodged an objection to having it taken up on this bill.

So what we have to do is look for an opportunity to raise it in a context where there is a Finance Committee bill on the floor. At that time, I think the Senator from Alabama will have a lot of support. I thank him for raising the issue at this time.

Mr. President, in the absence of any Senator seeking recognition to introduce an amendment, I ask our colleagues to come forward. We have 29 amendments on the list on one side and 32 on the other, for a total of 61. We need to proceed to conclude this bill. The conference is going to be very lengthy. If we are to have the appropriations for the National Institutes of Health, and the education bill, and the other matters, we are going to have to move ahead and not have this folded into a continuing resolution. I urge colleagues to come forward.

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

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

#### AMENDMENT NO. 2044

Mr. DASCHLE. Mr. President, I ask unanimous consent the pending amendments be set aside and that an amendment I have just sent to the desk be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 2044.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DASCHLE. Mr. President, I rarely come to the floor to offer amendments on appropriations because, I have to say, especially in this case, the chair and ranking member have done a phenomenal job under very difficult circumstances to get us to this point. I admire their work and their leadership and appreciate very much their extraordinary efforts as we have attempted to accelerate consideration of the appropriations bills.

I come to the floor to offer this amendment in part because I believe this provides perhaps the only vehicle we will have to consider legislation that I believe ought to have the opportunity to be considered before the end of this year. I offer the amendment on this bill in part because of the importance I think this legislation holds, not only for firefighters but for the country as a whole.

When the planes crashed into the World Trade Center on September 11, the shift had just changed at fire houses all across the country. In New York, firefighters who had just worked through the night could have gone home, but they didn't. Without a moment's hesitation, they rushed to what we now call Ground Zero to try to save lives.

They climbed on the first pumper or ladder truck they saw. One group of firefighters even commandeered a city bus to get to the World Trade Center as quickly as they could. Retired firefighters who heard what had happened rushed from their homes. Within hours, we now know, 343 New York City firefighters had lost their lives in the greatest terrorist attack in our Nation's history.

More than 7 weeks later, other firefighters, police, and rescue workers continue to comb through the still smoldering pile at Ground Zero, still risking their lives.

We have heard many words of praise for these heroes, and for their extraordinary efforts and for their first responders who risked their lives at the Pentagon, and in western Pennsylvania. They deserve every word of that praise, and far more.

As we honor them, it is important to remember that they are not alone.

Every day, in every State in America, firefighters, police officers and other emergency workers risk their lives to protect our safety. But in 18 States, they don't have the legal right to sit down with their employers and talk about their own health and safety.

That is wrong, and I believe the time has come for those circumstances to change.

That is why Senators DODD and GREGG, and I are offering this bipartisan amendment today: the Public Safety Employer-Employee Cooperation amendment.

Our amendment extends the basic right of collective bargaining to firefighters, police officers, paramedics, and emergency medical technicians.

It guarantees public safety officers the right to form and join a union, and the right to bargain collectively over hours, wages, and conditions of employment.

That is it.

There are things this amendment does not do, and I want to clarify and emphasize that.

It expressly forbids strikes or "lockouts" by public safety workers. It exempts all States with State bargaining laws for public safety workers that are equal to or greater than this proposal. And it preserves all management rights.

We know the essential role firefighters, police and other first responders played on September 11.

We know the role Capitol Police played on October 15. When a member of my staff opened a letter containing anthrax, Capitol police officers were immediately notified and were there immediately as well. They risked their lives to protect us. As a result, six law enforcement officers were exposed to the deadly bacteria. Today, every one of them is on the job.

Capitol Police are all working 12-hour, 14-hour days, 6 days a week, to protect us all; and they are all union members.

People who say that protecting public safety workers' basic rights will somehow jeopardize the public safety simply do not understand the dedication of the men and women who take these jobs.

We owe them our thanks. We owe them the basic right to collective bargaining. We owe them this opportunity to look out for themselves in the best way they know how, in their health, in their work, and in their lives.

So, Mr. President, I hope that our colleagues will look favorably on this amendment. I commend the extra effort made by Senators KENNEDY and DODD in particular, and Senator GREGG, who has been an outspoken advocate and proponent of this legislation. I am grateful to them. I am especially grateful for the opportunity this afternoon to offer this amendment with their support.

Mr. KENNEDY. Mr. President, I thank our leader, Senator DASCHLE, for the introduction of amendment No. 2044 to this Health and Human Services appropriations. I welcome the opportunity to cosponsor this with him.

So much of the Labor, HHR appropriations bill addresses the well being of our Nation's workers. We must meet the needs of all our workers, including our public safety workers, who do so much for us. The firefighters tell us that this amendment is their highest

priority. This amendment is the least we can do for them, in light of the sacrifices they have made for our country.

This amendment is an important bipartisan effort to help protect our Nation's public safety officers on the job. I have been pleased to work with my Republican cosponsors, Senator GREGG, Senator DEWINE, and Senator SNOWE. This amendment will measurably add to the caliber of our defense against threats to the security of our communities. It will also further this country's historic commitment to collective bargaining. I can point out to the Senate the substance of this amendment, in legislation, passed overwhelmingly from our Senate Labor and Human Resource Committee.

I know that no one in this room needs to be reminded of the heroic efforts made by the country's public safety officers in the last 10 days. The pictures of tired, dust covered firefighters confronting unimaginable horror are permanently emblazoned in our minds.

The courage and dedication of those who died—including Peter Ganci, the chief of the New York Fire Department; William Feehan, the first deputy commissioner; and Mychal Judge, the chaplain of the Department—set a shining example for all of us. There were 344 firefighters and paramedics who died in the World Trade Center rescue effort. They were members of locals 94 and 854 of the International Association of Firefighters. And, just miles from the Capitol, hundreds of firefighters risked their lives in the rescue efforts at the Pentagon. America needs these men and women, now more than ever, and it is no exaggeration to say that we owe our lives to them.

This amendment will ensure that firefighters, police officers, correctional officers, and emergency medical personnel will be afforded the fundamental right to bargain collectively with their employers. The amendment guarantees the basic rights that are necessary to meet that goal—to form and join a union; to bargain over hours, wages, and working conditions; to sign legally enforceable contracts; and to deal with an impasse in negotiations.

This proposal follows in the honorable traditions of our country's labor laws, by recognizing the importance of collective bargaining to improve job conditions, increasing worker safety, and improving productivity. Most importantly, this amendment will lead to safer working conditions for public safety officers and to enhanced safety for the public that they serve.

As we now know all too well, firefighters, police officers, and emergency medical personnel serve in some of the country's most dangerous, strenuous, and stressful jobs. They are frequently asked to risk—and sometimes give—their lives to protect the safety of others. We have a moral obligation to do whatever we can to increase the safety of these critical jobs—and thereby to

add to the Nation's defense against threats to the public's health and safety.

It is clear that this amendment will help us to meet these goals. The men and women who serve on the front lines in providing firefighting services, law enforcement services, and emergency medical services know what it takes to create safer working conditions. Ensuring that these professionals have a right to collective bargaining will give them a voice in decisions that can literally make a life-or-death difference on the job. Making such a difference for our country's public safety officers will, by definition, improve our collective safety.

Available data prove that collective bargaining enhances safety. These data show that States that lack collective bargaining laws have death rates for firefighters that are nearly double that of States in which bargaining takes place.

In States with collective bargaining, there were 1.5 firefighters killed in the line of duty for every 10 thousand firefighters. In States without collective bargaining, 2.5 out of every 10 thousand firefighters were killed on the job. Similarly, in 1993, firefighters in 9 of the 10 States with the highest firefighters death rate lacked collective bargaining protection.

This amendment will also save money for States and local communities. A study by the International Association of Fire Fighters shows that States and municipalities that give firefighters the right to discuss workplace issues have lower fire department budgets than States without such laws.

When workers who actually do the job are able to provide advice on their work conditions, there are fewer injuries, better morale, better information on new technologies, and more efficient ways to provide the services.

The amendment also accomplishes its goals in a reasonable and moderate way. The amendment requires that public safety officers be given the opportunity to bargain collectively; it does not require that employers adopt agreements.

Nor does it regulate the content of any agreements that are reached. Where States have collective bargaining laws that substantially provide for the modest minimum standards set forth in the bill—as a majority of States already do—moreover, those States will be unaffected by the legislation.

Where States do not have such laws, they may choose to enact them or to allow the Federal Labor Relations Authority to establish procedures for bargaining between public safety officers and their employers. This approach respects existing State law and gives each State the authority to choose the way in which it will comply with the requirements set by this amendment. States will have full discretion to make decisions regarding their imple-

mentation and enforcement of the basic rights set forth in this proposal.

This approach respects existing State law and gives each State the authority to choose the way in which it will comply with the requirements of this proposal. States will have full discretion to make decisions regarding the implementation and enforcement of the basic rights in this amendment.

This amendment will not supersede State laws which already adequately provide for the exercise of—or are more protective of—collective bargaining rights by public safety officers. This amendment is intended to ensure that public safety officers have a role in addressing their wages, hours, and terms and conditions of employment; and to improve the safety and welfare of public safety officers and the communities they serve.

It is a matter of basic fairness to give these courageous men and women the same rights that have long been enjoyed by other workers. They put their lives on the line to protect us every day. They deserve to have an effective voice on the job, and improvements in their work conditions will benefit their entire community.

I commend my cosponsors for their leadership on this important proposal, and I urge the Senate to approve it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. HOLLINGS are printed in Today's record under "Morning Business.")

Mr. HOLLINGS. I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORZINE).

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2044

Mr. GREGG. Mr. President, I rise in support of the amendment offered by Senator DASCHLE which deals with the rights of police officers and firefighters—especially—firefighters to have the opportunity to organize in collective bargaining agreements.

This amendment is timely in light of what we have seen relative to the commitment of our firefighters across the

country, along with our police officers and police personnel, in that it gives them rights which are given to most American Government employees.

With the enactment of this language, we will have essentially covered the majority of State and local employees in a consistent manner across the country.

The language of this amendment simply requires States to provide minimum collective bargaining rights to their public safety employees in whatever manner the States choose. In other words, if the State has any form of collective bargaining, they are basically exempt from this bill.

It outlines certain rights that must be protected, but it leaves the majority of decisions to State legislatures, and States that already have the minimum collective bargaining protection, as outlined in the legislation, will be exempt from Federal statutes, as will small municipalities and subdivisions.

The amendment also addresses the issue of the right to strike. As we know, public employees do not have a right to strike, and this amendment does nothing to advance that right to any public employee.

Further, it protects the right of each employee to join or refrain from joining a labor union organization. In other words, in States which have right-to-work laws, those right-to-work laws are not impacted at all by this legislation.

This legislation is extremely important, in my opinion, at this time because it is a statement by the Congress of our understanding of the importance of the jobs which firefighters and police officers do. We saw in New York, obviously, and we saw in Washington that these individuals put their lives on the line, and it is reasonable that they have a fair opportunity to make their case in the form of a collective bargaining atmosphere which is consistent with other Government employees and which is consistent with the laws in the States in which they live and work should those States have collective bargaining agreements.

I strongly support this amendment. I appreciate the majority leader bringing it forward. It did pass the Committee on Health, Education, Labor, and Pensions, of which I am the ranking member. There was not a recorded vote on it, but I can assure my colleagues it was a significant majority who supported the bill.

I look forward to it being taken up here and adopted in the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator

DORGAN be allowed to speak following my remarks.

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

#### AMENDMENT NO. 2044

Mr. WELLSTONE. I wish to speak briefly about the amendment Senator DASCHLE laid down which would allow firefighters, police officers, and emergency medical personnel basic collective bargaining rights; that is to say, the right to form a union and to bargain over hours and wages and working conditions.

In other words, what we are saying is the firefighters, the police officers, the emergency medical personnel, the first responders on September 11—and indeed I meet with them all across Minnesota—they will be the first responders in all of our States if, God forbid, we have to deal with other attacks that they have the right to join a union, bargain collectively in order to be able to earn a decent living, in order to have civilized working conditions, in order to be able to support their families.

I have to say on this last day of October of the year 2001, this is a no-brainer amendment, a no-brainer in that everybody should support it. It is crystal clear. As many have said, we are redefining heroes and heroines. It is crystal clear people in our country that there is just a reservoir of good feeling and strong support for these men and women. While we can have all of the benefit concerts and everybody can give all of the speeches in the world, enough speeches to deafen all the gods, the way we can actually show our support as Senators is to support this amendment, give the firefighters, give the police officers, and give the emergency medical personnel the right to join a union and bargain collectively.

My last point—and believe me, I will not do this, but I could literally talk for the next 20 hours on this, and I will only talk for 1 minute—I want this in the RECORD if it is not in the RECORD: Washington Post, A4, "Quick Action Urged on Economic Stimulus."

We have some quotes from several members of the administration basically saying if we extend the health insurance subsidies—in other words, people are out of work, it is terrifying, now you have lost your job, now you do not have any health care coverage for yourself and, maybe more importantly, for your children—that if in fact we pass a recovery bill that helps people to afford health care coverage for themselves and their loved ones, workers will lose the incentive to search for new jobs.

Coming from several members of the administration, the insulting assumption is if we were to help out unemployed workers with health care benefits so they could afford coverage for themselves and their loved ones, being lazy, they might not then actually find a job and work.

This is outrageous. I do not even know if I need to say anything more. I

said I would only speak briefly, so I will not say any more. It is just outrageous.

We as Democrats have to have an economic recovery act that speaks to the unemployment benefits, speaks to health care coverage, speaks to job training, workforce development, speaks to investment and affordable housing or rebuilding crumbling schools, speaks to the whole infrastructure of public safety in the country, creates jobs, puts money in the economy, and enables people to purchase.

We ought to do that. We ought to do it now. If Democrats cannot stand for these families—firefighters, police, and other working families—and if we cannot do this now, then who are we and for what do we stand? I am confident we will have a strong package of benefits. This is something for which we have to fight hard.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I will speak about an amendment I have pending, but I will follow on the comments of my colleague from Minnesota. We do not have the option, in my judgment, of leaving this session of Congress without passing a package of legislation that will try to stimulate this economy. This economy was on its knees going into September 11. It was a weak economy in a great deal of trouble.

On September 11, we had the cowardly terrorists acts that cut a hole in this country's economy. I fear very much that perhaps most of us do not fully understand how and why the economy hurts. We need to err, if we err, on the side of taking bold, aggressive action to stimulate the economy.

Stimulating an economy is done by creating incentives for investment and incentives for consumption. Part of the incentives for consumption are to assist those in this country who, during a tough economy, are losing their jobs. Hundreds of thousands of Americans have lost their jobs and have unemployment compensation that is inadequate, for too short a duration.

Part of the stimulus package has to be to help those families, as well. That money is invested immediately into the economy in the form of consumption. I think it is important to do a range of things: Incentivize consumption, incentivize investment, and a range of other approaches to stimulate the economy and give lift to the American economy. We are likely in a recession. We do not know how deep or how long. I know we cannot afford to adjourn this Congress without working together with the President, in a bipartisan way, to create a stimulus package that is serious. This is not just politics as usual. This is serious business.

The question of whether the American people have opportunity and hope is dependant on whether we have an economy that provides an expanded economic base, and therefore creates that hope and creates that opportunity for jobs.

## AMENDMENT NO. 2024

On the subject I want to discuss, I have an amendment now pending, or maybe it was set aside temporarily, but I offered the amendment, and I would like to get it approved this afternoon. The amendment deals with something called the advance passenger information system, a system that now exists in this country. It is for those who are entering our country from foreign lands. For those bringing a commercial airliner into this country and for those who will disembark today, we have what is called an advance passenger information system. Those airlines will send to this country a list of the passengers. Our Customs Service, the FBI, and other Federal law enforcement agencies can check names against lists that we have to make sure we are not allowing someone into our country, as a guest, who might be a known or suspected terrorist or someone who is associated with terrorists or someone who is on a list that we do not want to enter this country.

There are lists of people who have committed acts of terror, criminal acts, people we do not want to be allowed into this country.

Today, we have the advance passenger information systems. Most airlines voluntarily comply with it and send the information to us. Not all airlines, however. About 15 percent of the passengers come into this country without having their name on a manifest that is sent to our country to be run against one of the lists.

Let me describe, among others, the airlines that do not voluntarily comply: We do not get this information from Pakistan, Saudi Arabia, Kuwait, Egypt, Jordan, just to name a few. Does anyone here think it would be important we would get that information from those countries? You better believe it is important. Yet under the voluntary system we do not get it.

I chaired a hearing with the Customs Commissioner and the INS Commissioner. We talked about securing this country's borders, among other things. Mr. Potter, the Customs Commissioner, said we must make this advance passenger information system mandatory. It is now only voluntary, and we are not getting all the information we need in order to process who is coming into our country. We need all this information. We need information on people who are going to visit this country from Pakistan, from Saudi Arabia, from Kuwait, and others.

I introduced a piece of legislation in the Senate that says the advanced passenger information system shall be mandatory. The Senate passed it. It was part of the counterterrorism bill, which is exactly where it should have been because it deals with border security. It went to conference with the House of Representatives. Some Members in the House of Representatives, citing "committee jurisdiction," decided they were going to knock this out. So that bill went to the President,

the counterterrorism bill, was signed into law, is now the law of the land, and does not contain this provision. The result is a provision the Senate previously enacted is now not part of the law dealing with counterterrorism.

The result is that today there is an airplane landing from Pakistan, airplanes coming from Saudi Arabia, from Kuwait, from Egypt, from Jordan, and more, whose passenger list has not been provided to our Customs Service, our FBI, and other law enforcement agencies. Why? Because those airlines do not comply. It is voluntary. They don't have to comply.

Just yesterday, I understand, Kuwait has signed a memorandum of understanding. That is good; that is progress. It seems to me it is business as usual for some in this Congress to say: What is most important to me is not national security. Some Members say: What is important to me is the jurisdiction of my committee. If we didn't bless it, if we didn't put our stamp on it, if we didn't have our mitts on it in some way, we will not allow it to proceed.

The entire Senate passed this provision and it got knocked out in conference last week. So the President signs a bill that does not include this amendment. I have offered it again. Does it belong on an appropriations bill? No, it doesn't. But I will offer it on this bill and every other bill until it becomes law. It is absurd to think we will deal with national security without securing our borders. Securing our borders does not mean closing our borders, it means understanding who is coming into this country as guests of ours. That is the whole approach.

The visa approach is to say people coming into this country are guests of our country. Mr. President, 57 million people come in by air every year; 45,000 people today come into this country by commercial airliner, 45,000 people whose names are not run against the Customs, the FBI, and other lists. Why are those 45,000 names not able to be run against those lists? Because we have some people who, in my judgment, are thickheaded. Committee jurisdiction is more important to them than national security.

That is strong language, I know. But it upsets me that we are so small minded in some parts of this Congress that we cannot see the bigger picture. The bigger picture is things have changed. The September 11 terrorist attack that murdered thousands of American citizens changed a lot in this country. The anthrax letters that have now killed some American citizens and caused such chaos and concern across this country have changed a lot of things. It apparently has not changed the mindset of some who are busily guarding their tiny little area of committee jurisdiction.

With regret to those folks, but not at all apologetic, I say we passed this provision once, and I intend to offer it again and again and again. I intend to

have a vote on it. My hope is it will be accepted by voice vote. We will go to conference and get this done in this conference. If not, it will be the next conference. If not, then it will be the next conference. I simply will not allow people who think about jurisdiction over national security to win this issue. This ought to be done. It should have been done last week, but it wasn't. It ought to be done this afternoon, again, in the Senate to say to those who blocked it: You will not block it for long.

These are extraordinarily difficult times for our country. We face two very significant challenges. One challenge deals with national security—and that is not an insignificant challenge. It is about as tough a challenge as we faced in many decades.

Second, we face the challenge of dealing with our country's economy. My colleague from Minnesota described that. I just came from a caucus in which we discussed it for an hour and a half. This country will meet those challenges. There are no people in the world better prepared or better equipped, no people I have more confidence in than the American people to meet any challenge at any time.

This is not a time for us to shrink back in fear. This is a time for us to be bold and to join together in action that we know will prepare us and will secure us and will allow us to have the kind of opportunity that we want for us and our children.

One small piece of that is this amendment that is now pending that I hope will be approved by the Senate this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to express strong support for what our good friend from North Dakota, Senator DORGAN, has addressed. I am very hopeful it will be successful on whatever legislation he offers it, and is signed into law. It is a provision we have included in strong bipartisan legislation which Senator BROWNBACK and I have introduced. The reasons for it are so compelling. He has outlined those reasons this afternoon. I congratulate and thank him for his leadership on this issue.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that the matter now before the Senate is the Dorgan amendment.

The PRESIDING OFFICER. The matter before the Senate is the Daschle amendment.

## AMENDMENT NO. 2024

Mr. REID. Mr. President, I ask unanimous consent that we return to the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the two managers are not in the Chamber, but there has been an understanding that

the Dorgan amendment could be accepted by voice vote.

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

If not, the question is on agreeing to amendment No. 2024.

The amendment (No. 2024) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to comment on the legislation before us, and particularly I want to take this opportunity to thank the chairman and ranking member of the appropriations subcommittee, as well as members of that subcommittee, because they have included some very important pieces in this legislation that deal with issues before the Senate Finance Committee of which I am a member. I would like to speak about those provisions and explain some of the subsequent action we anticipate over the next 12 months.

This is obviously a very important bill. There are some key provisions in it that relate to the work of the Finance Committee. First, I thank the Appropriations Committee for its action on the social services block grant. Earlier this year, I wrote a letter to the committee leaders requesting that funding for this key program be restored to the levels agreed to in the 1996 Welfare Reform Act.

State and local governments rely on this key block grant, that we call the social services block grant, to address a range of human service needs, particularly for vulnerable children, families, elderly, and persons with disabilities.

The bill before us would give States needed flexibility to transfer some of the funds they receive under the Temporary Assistance to Needy Families Program to the Social Services Block Grant Program. Many Governors have asked for this flexibility. I am glad that the Appropriations Committee has acted accordingly.

I also note the bill's report language favoring improved health care in rural America, including more equitable Medicare payments. While the appropriations report language is not binding on the Centers for Medicare and Medicaid Services within the Department of Health and Human Services, I appreciate the support for the Finance Committee's efforts to make Medicare payments more fair for providers in rural America.

For years I have worked, along with other colleagues, to sustain and support rural communities. As a result, Medicare legislation has passed in recent years to take significant steps to bring greater equity to rural America but still not enough equity, hence the report language, and hence the need for the Finance Committee to do greater work in this area.

I will give an example. My Finance Committee colleagues and I have successfully worked to make the Critical Access Hospital designation more widely available, allowing small rural hospitals to actually keep their doors open; otherwise, they would be out of business and we would not have health care in those parts of rural America.

As a second point, we worked to begin eliminating the bias of the Medicare Disproportionate Share Program against rural hospitals, and, lastly, to protect small rural facilities against adverse effects from the new outpatient payment system.

As I said, we still have a long way to go. So I am working with my Finance Committee colleagues to craft further legislation that will make Medicare more equitable as part of our broader efforts to strengthen Medicare. I plan to work to ensure Finance Committee approval of such legislation next year, in 2002. And I look forward to the support of Appropriations Committee members when it reaches the floor of the Senate.

On another point, appropriators have recognized the importance of enhancing education opportunities for Medicare providers, an issue I have been working on for the past 10 months with colleagues on my own Finance Committee. There is broad recognition that health care providers participating in Medicare should have access to timely and clear information about changes to the program.

Before the Senate leaves for the year, I expect to introduce some of this legislation on which we have reached agreement, after these months of work with Senators Murkowski, Baucus, and Kerry, to enhance Medicare provider education, improve communication between Health and Human Services and health care providers out in the field, and streamline paperwork burdens among other things this bill does.

Providing more money to the Medicare Integrity Program for provider education is one aspect of the legislation, and the Appropriations Committee affirmed their support in its committee report of the bill that is now before us.

I applaud, specifically, the efforts of Senator BAYH of Indiana—there are others who worked with him whom I will not name—to require the General Accounting Office report to the committees of jurisdiction on the status of HIPAA's administrative simplification regulations. Obviously, I look forward to receiving that report in the Finance Committee, and working with my colleagues to implement administrative simplification in a commonsense, rational way so that well-intended legislation will actually accomplish its goals without hurting innocent programs, peoples, or facilities.

For today, the good news is that we have already taken steps in the Finance Committee to address immediate problems with administrative simplification. Senator BAUCUS and I have

worked closely with Senator CRAIG of Idaho and Senator DORGAN of North Dakota to introduce legislation—and we did this just yesterday—allowing States, counties, health care providers, and health plans a much needed additional 1 year to comply with the “transactions and code sets” regulation.

Our bill will give everyone covered by the rule additional time to plan, implement, and finance the systems changes required under that rule. This is especially important for State and local offices, the public health infrastructure, and, most importantly, the patients who we all want to serve so that they continue to receive timely access to these benefits.

I pledge my full support to consider the General Accounting Office's recommendations on administrative simplification in the Finance Committee next year.

I also continue to applaud appropriators for their decision to increase funding for survey and certification activities of the Centers for Medicare and Medicaid Services. For years, I have called attention to the need for nursing homes to be examined more carefully. And this cannot be done without the additional funding. The committee's allocation for this purpose represents an \$18.5 million increase over the 2001 year level.

I am pleased to note that the bill proposes a \$20 million increase in funding to the Administration on Aging for the Family Caregiver Program, which supports our Nation's everyday heroes—family caregivers—to a level of \$140 million. As the author of this legislation that was passed as part of the Older Americans Act reauthorization last year, I thank the appropriators for their continued support of what I consider an important program that puts us well on the way of recognizing the economic contribution, as well as the quality of life contribution of family caregivers.

Finally, I commend the appropriators for their support of the Safe and Stable Families Act. This is a broadly supported program that provides crucial services to at-risk families. I look forward to working with Chairman BAUCUS to reauthorize that program this year with increased funding levels.

Mr. President, I yield the floor.

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

Mr. SESSIONS. Madam President, I ask unanimous consent that I be permitted to speak for 10 minutes and that we move from the pending amendment so I may offer another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, that Alabama accent got me toward the end. What did the Senator say?

Mr. SESSIONS. I asked unanimous consent to move from debate on the pending amendment so I may offer a new amendment, one that is approved on the list.



Mr. REID. Madam President, the two managers are not here, but I am sure they would agree to this. It is my understanding that at the appropriate time the Senator from Alabama will withdraw his amendment. Is that the one that is now pending?

Mr. SESSIONS. On the previous one, I do expect that I will not ask for a vote. On the one I am offering today, I believe we have reached an accord by altering my original language and it will be accepted.

Mr. REID. It is my understanding the Senator wanted to speak for 10 minutes and then offer an amendment after that.

Mr. SESSIONS. Yes.

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

AMENDMENT NO. 2045

Mr. SESSIONS. Madam President, in this country, I have come to realize we have a very large student loan program which provides great benefits to a lot of American children and students who are not children in college. I am offering an amendment today that will deal with one of the more serious problems in that program that has created quite a good deal of fraud.

The amendment I submit would require the General Accounting Office to conduct a study on Federal student loan disbursements to students who attend foreign schools and ask them to report on the fraud, waste, and abuse in the Federal Family Education Loan Program as it relates to students receiving funding in order to attend foreign schools.

Study abroad can certainly be a wonderful experience for students, one we ought to encourage. It is something of which more and more students are availing themselves. I certainly celebrate that and encourage it. I do not oppose, as we do today, some form of student loan aid to students who wish to participate in the foreign educational experience. It can be a very enriching time for a student.

We do need to ensure, however, that the program involves study and not a European vacation at the expense of hard-working American taxpayers for whom a visit to the ballpark may be beyond their budget.

In recent years, there have been a number of criminal cases of so-called students falsely claiming they are attending foreign schools, directing that their student loan checks be paid directly to them as the law will allow and not to the school, and then taking the money and spending it on themselves and not even attending the foreign school at all.

This fraud has been documented with many examples listed in the 1997 Department of Education inspector general's report. I believe the Federal Family Education Loan Program is at great risk of fraud unless we institute some sound controls immediately.

In the United States, student loan checks, if you go to a college in the

United States, are made out to the school and the student. If the school doesn't get the check and tuition is not paid, they don't endorse it; the check can't be cashed. Both the student and the school have to endorse the check, and the tuition is thereby paid with certainty.

With regard to foreign schools, the checks are made out simply to the students routinely. Since 1995, there have been at least 25 felony convictions of students who fraudulently claimed they were attending a foreign school and then they just cashed the Government loan check and simply did not attend class.

Of course, these are only the students who were caught in this fraudulent activity. I have no doubt that there are many more who have not been apprehended.

This is why we should take action. We must prevent cases such as this one. Mr. Conrad Cortez claimed to be such a student. He applied for student loans. In March of 2000, he admitted to charges of submitting 19 fraudulent student loan applications over a 3-year period. He pled guilty before a Federal judge to numerous counts of mail fraud, bank fraud, and Social Security account number fraud in the State of Massachusetts. The prosecutor in that case told the court that Cortez was responsible for dozens of auto loans filed outside Massachusetts, in Florida and in Texas.

The absolute disregard for the American taxpayers is epitomized by the activities of Mr. Conrad Cortez. He was living high at the expense of American taxpayers and in violation of law by filing false documents to receive loans and money from the Federal Government.

During the period from 1996 through 1999, he bought gifts for his friends, including jewelry and cars, paid for private tennis lessons—I guess he might have thought that was educational—made a downpayment on a house, sent some money back to his native Colombia, ate in the best restaurants, and even paid restitution for a previous charge of defrauding the Government, all with taxpayers' money. It was a fraudulent loan he had claimed.

His fraud only ended when he was turned in by his sister's boyfriend who claimed that Mr. Cortez had used his identity to obtain additional loans. In fact, Mr. Cortez was about to help himself to \$800,000 worth of loans that you and I would pay for out of our Federal income tax. He had filed 37 false claims in all, spending the money as fast as it arrived.

The inspector general's office of the Department of Education, with the FBI and the attorney general's office in Boston, combined forces to apprehend him before he could get all of the money he had claimed through these false loans. He did, however, pocket about \$300,000 before he was caught.

This is a perfect example of how this program is at risk and is not being

managed properly. Currently the methodology for approving and releasing student loan funds is vulnerable. Current law says that a student may request a check be issued directly to him or her when claiming that they are attending a foreign school, and a check will be sent directly to them without the requirement of a cosignature by the school.

The Office of Inspector General at the Department of Education found that the number of students claiming to attend foreign schools and applying for loans increased each academic year from 1993 through 1997 and went from 4,594 students to 10,715 students in just 4 years, more than doubling.

The later figures since that date of 1997 indicate that the loan numbers for foreign education continue to increase. Indeed, in 1998 to 1999, there were 12,000 loan applications from American students claiming to attend foreign schools.

The question then comes, Why are we paying to send students to foreign schools at all? These are American taxpayers' dollars flowing to foreign economies where the standard of education often is not as good as the education we have.

Certainly, our education system in the United States—our colleges and universities—is not overcrowded. It certainly has the capacity to handle more students. We need to ask that question to some degree.

I would support some assistance in the form of loans or aid to people who would attend school in a foreign country for a year or two. But I have serious doubts about whether this country ought to pay for a full degree course, 4, 5, 6 years, through subsidized loans and grant programs to students who choose to further their education in another country where they will not be accredited according to the standards of the United States.

I had attempted to raise that issue. I do believe we have not had sufficient hearings on it. We have not gone into this in some depth. Certainly educating young people through allowing them to be exposed to foreign education programs can have some benefit. But I think we need to look at curtailing that. As a matter of comity and working with the managers of this bill, they did not think this was the appropriate time to move forward on a limit of just how many years a person ought to be able to get Federal subsidies to attend foreign universities. So I have taken that out of this amendment.

Basically, what our amendment would do would be to require a GAO study to find out exactly what is going wrong with this program and to make sure that it is tightened up so that these fraudulent activities cannot continue.

This report will compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions and examine the default rates at foreign schools that

enroll American students receiving federally guaranteed student loans to determine the number of students that are receiving loans for multiple years.

My amendment will also require the GAO to make recommendations for legislative changes that would be required to ensure the integrity of the Federal Family Educational Loan Program. It will help us to get this information we need so that we can have a complete and accurate picture and then Congress should be able to take legislative action to stop this abuse.

We have now, as I understand it, an agreement to spend over \$600 billion in discretionary money in this year's budget. By any standard, that is a lot of money. I think sometimes we see the big billion dollar numbers so often that we are not impressed at all when somebody comes up and says, well, this person got \$300,000 fraudulently. We just don't pay attention to it.

I was a Federal prosecutor for almost 15 years, and I put a lot of people in jail for defrauding the Federal Government. I know there are good laws that work to help apprehend thieves. I know there are some areas in which our laws are weak. I know there are procedural methods by which Federal agencies can make it much more difficult to allow a person to defraud the Government. I am sure this person who got \$300,000 is not going to be able to pay restitution of \$300,000 unless he can figure out a third way to defraud the Government to pay restitution. He is not going to pay us back, the truth be known. We will never get that money back. It is lost. Decent, honest people who do not get a vacation to Disney World will be paying for his extravagant lifestyle, his fraudulent activities, and we ought to tighten up these procedures. Every day that I come to work I have in my mind a commitment to make sure that we have as much accountability in our Federal system as possible. I think sometimes we pay too little attention to it. I have a program I call "Integrity Watch," and it is just a way I focus on abuses in the system that I think could be corrected. And we will try to move to correct those problems.

I thank the Chair for the time. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, I offer my amendment I referred to previously.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2045.

Mr. SESSIONS. Madam President, I ask unanimous consent that further

reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Inspector General of the Department of Health and Human Services to audit all Federal amounts allocated for AIDS prevention programs and to report to Congress concerning programs offering sexually explicit workshops using any of such amounts)

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(3) recent reports from the Associated Press highlight the use of Federal AIDS prevention money to conduct sexually explicit workshops for homosexual men and women;

(4) such sexually explicit workshops teach homosexual men and women how to write erotic love stories and how to use sex toys for solo and partner sex; and

(5) Federal AIDS prevention funds should not be used to promote sexual activity and behavior and potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning programs offering sexually explicit workshops using such dollars.

Mr. SESSIONS. I offer the amendment and note that it has eliminated certain language from it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### THE STIMULUS PACKAGE

Mr. CONRAD. I rise today to talk about the economic stimulus package that is being discussed and debated in both Houses of Congress.

When it became apparent that our economy was weakening, those of us who have special responsibilities for the budget—the leaders of the House Budget Committee and the Senate Budget Committee—got together and agreed on a bipartisan, bicameral basis on certain principles for an economic stimulus package. These were the chairman and ranking member of the House Budget Committee and the chairman and ranking member of the Senate Budget Committee.

After several weeks of work, we were able to agree on a bipartisan basis on a set of principles to apply to the stimulus package. We agreed on an overall principle that an economic stimulus package should be based on the recognition that long-term fiscal dis-

cipline is essential to sustained economic growth. We agreed that measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus at least equal to the surplus in Social Security. And that any short-term economic stimulus should not result in higher long-term interest rates.

We went on to agree to the objectives, the timing, the rapid impact, the sunset, the targets, and the size of any economic stimulus package. Again, this was on a bipartisan basis and involved the leaders of both the Senate Budget Committee and the House Budget Committee.

On objectives, we agreed that an economic stimulus package should restore consumer and business confidence, increase employment and investment, and help those most vulnerable in an economic downturn. On timing, we agreed that Congress should assemble an economic stimulus package with dispatch, aiming for passage within 3 to 4 weeks of our report which was done on October 4.

On rapid impact, we agreed that a substantial portion of the fiscal impact should be felt within 6 months.

On sunset, we agreed that all economic stimulus proposals should sunset within 1 year to the extent practicable.

On targets, we agreed that an economic stimulus package should be broad based, rather than industry specific, and that policies should achieve the greatest possible stimulus per dollar spent be, and should be, directed to individuals who are most likely to spend the additional after-tax income and businesses most likely to increase spending and employment.

On size, we agreed that the economic stimulus package should be equal to roughly 1 percent of gross domestic product, which would be \$100 billion, but take into account what we had already done at that point, which was some \$40 billion. That would mean a floor of at least \$60 billion of economic stimulus.

And on offsets, we agreed to uphold the policy of repaying the greatest amount of national debt feasible between 2002 and 2011; that outyear offsets should make up over time for the cost of any near-term economic stimulus.

With those principles in mind, we can now apply them to the various proposals that are out there. Senator BAUCUS, the chairman of the Finance Committee, has released a proposal, and we find in looking at the elements of Senator BAUCUS' proposal—we matched them with the principles that were agreed to on a bipartisan basis—that his package passes on each and every principle that had been agreed to.

On the question of temporary, on a bipartisan basis we agreed that proposals should sunset within 1 year. Senator Baucus' package provides for that.

On rapid impact, we said a substantial portion should be out within 6

months. Senator BAUCUS' proposal has all of his impact in the first year.

On size, we said approximately \$60 billion. Senator BAUCUS' proposal has \$70 billion in this fiscal year but actually costs less than that over the 10 years because some of the things that provide lift now actually will generate revenue later on.

On targeting, we said the stimulus dollars should go to those most likely to spend them. Senator BAUCUS' proposal includes \$14 billion of rebates to those who were not included in the first package of rebates and \$33 billion in worker relief targeted to low- and middle-income Americans who are the most likely to spend the money.

On the question of not hurting our long-term fiscal condition, Senator BAUCUS' proposal has virtually no effect on the surplus after this fiscal year.

His proposal clearly passes each of the tests.

If we apply those same principles to the House package, we get quite a different result. In fact, we find that they fail each of the tests. Not just one of them, not two of them; the House proposal fails each and every test that was agreed to on a bipartisan basis by those of us most responsible for the budget.

With respect to temporary, the House bill has 71 percent of its tax cuts as permanent. There is no temporary package. It is largely a permanent package. So that fails the first test of being temporary.

Second, on the question of rapid impact, we said a substantial majority of the fiscal impact should be felt within 6 months. But in the House package, nearly 40 percent of the 10-year cost is after this year. That is not a stimulus package. A stimulus is designed to give lift to the economy now, not 2003, not 2004, and yet 40 percent of the cost of the House package is after the year 2002. That clearly fails the principle of rapid impact.

On size, we said \$60 billion as a starting point, as a floor. The House package is \$162 billion over 10 years. That is far in excess of what the President called for. He said \$60 billion to \$75 billion. This has a cost of \$162 billion.

On the question of targeting, the House package has 35 percent of the tax cuts going to the wealthiest 1 percent. We on a bipartisan basis agreed to the principle that stimulus ought to go to those most likely to spend the money. That is what will lift the economy. That is what will provide stimulus. But the House package disproportionately goes to the wealthiest 1 percent. Those are the very people most likely to save the money, not to spend it.

However meritorious savings may be—and goodness knows I am an advocate for savings—that does not stimulate the economy. The thing that stimulates the economy, according to every economist who came and testified before the Budget Committee, is if people and companies spend the money that

they get, and spend it now—not 2 years from now, not 3 years from now, but now. Now is when the economy is weak. Now is when we need stimulus.

This morning's economic report on the last quarter of economic growth shows we are in negative territory. It makes the point as clearly as it can be made that we need economic stimulus now—not 2 years from now, not 3 years from now but now.

Madam President, while the House package has 35 percent of the benefits going to the wealthiest 1 percent, the bottom 60 percent of the income category get only 19 percent of the benefits. Yet those are the people who are the most likely to spend the money and give lift to the economy. So the House package violates that principle.

Finally, on the question of a package not worsening our long-term fiscal condition, the House package has a cost of \$171 billion when you include the interest costs beyond the year 2002. In other words, every dollar of that part of their stimulus package would be coming out of the Social Security trust fund surplus.

In essence, they are taking payroll tax dollars from people in this country and giving the money in an income tax cut that goes disproportionately to the wealthiest 1 percent. That stands stimulus on its head. That is taking money from the people who are most likely to spend it and giving it to people who are most likely to save it.

That is not what stimulus is all about. That cannot be the result. I just want to make clear to my colleagues, as chairman of the Budget Committee, I will not accept this kind of result. I will use every device available to me to stop any package similar to what the House passed.

Given the ability of a Senator to stop a package, I can assure my colleagues, this is not going to happen because I am not going to let it happen, and there will be plenty of others who will join me. We are not going to let it happen because it should not happen. This is not a stimulus package; it is a political package.

The Secretary of the Treasury said it very well when asked about the House package. He called it show business. This is no time for show business; this is time for real business. This is time for the business of America. This is the time to have a stimulus package that really does the job and does not abandon fiscal discipline for the long term by putting upward pressure on interest rates that would undo all the good we are trying to accomplish by a package of fiscal stimulus.

When we go to the question of the plan that was released yesterday by Senator GRASSLEY, the ranking member of the Senate Finance Committee, and apparently now adopted by the Senate Republican caucus, we have looked at each of the measures, each of the principles that had earlier been agreed to on a bipartisan basis, and we have graded the Grassley package. Here is what we found.

On the question of temporary—the principle was the stimulus should sunset within 1 year—what we find is that 82 percent of the Grassley package is not temporary; 82 percent is permanent tax cuts. That absolutely fails the test of temporary.

Why do we have that test? We have that test because every economist who has come to us has said: Look, you have to marry fiscal stimulus with long-term fiscal discipline; otherwise, you will put upward pressure on interest rates, and, guess what. You will undo all of the potential good of a fiscal stimulus package. You will put fiscal policy at war with monetary policy, and while you are giving lift to the economy with fiscal stimulus, you will be suppressing the economy by increasing interest rates.

This principle is there for a reason, and the reason is, as Secretary Rubin, who is the former Secretary of the Treasury who did such a brilliant job in the Clinton administration, made clear to us, you have to be careful while you are providing fiscal stimulus to couple it with long-term fiscal discipline.

We all understand, because of the tax cuts that were provided earlier, because of the attacks on our country, because of the need to rebuild, because of the continuing economic weakness, this country is headed into deficits in the fiscal year we have just ended.

We are not talking just about trust fund deficits; we are talking about deficits that mean we are going to be using every penny of the Medicare trust fund surplus this year to pay for other items.

We are going to be using every penny of the Social Security trust fund surplus this year to pay for other items, and we are going to be spending beyond that. We are not only taking all of the trust fund surpluses, but we are taking billions of dollars beyond that.

That may be acceptable at a time of war, at a time of economic slowdown, but we cannot permit that to continue. We cannot allow a circumstance to develop in which we are raiding and looting every trust fund in sight, even when the economy is forecasted to be in recovery. That will devastate this country's position when the baby-boomers start to retire in 10 years.

Please, I say to my colleagues, let us not get stampeded to do things that make our long-term fiscal condition far worse. That would be a disaster for this country.

On the question of rapid impact, looking at the Grassley package, again we had the principle of the money should go out, the vast majority of it in 6 months. Why? Because in looking at past results, what we have found is every time there was an attempt to use fiscal policy to stimulate the economy, we have been too late—not just some of the time, every time. Every time there has been an economic slowdown and we tried to use fiscal policy to give stimulus, each and every time we have been too late.

So this time we are saying if we are going to stimulate the economy, get the money out in time to make a difference. That is why we have this principle. Yet if one looks at the Grassley plan, nearly half of it, 48 percent of the 10-year cost, occurs after the first year. That is not a stimulus package. That is a tax cut package—I will grant that—but it is not a stimulus package.

It is going to be too late. It is going to be like all the other times when we tried to use fiscal stimulus, and every time it has been too late. Let us not make that same mistake again. On a bipartisan basis we said: Let us not do that again. If we are going to have stimulus, let us get it out there to be effective.

The Grassley plan does not do it. Half of it comes after the year 2002.

On the size, we said \$60 billion. The cost of the Grassley plan is \$175 billion over 10 years. That does not count the interest cost.

On targeting, we said stimulus dollars should go to those most likely to spend them. Well, the Grassley package flunks that big time. Forty-four percent of the value of the tax cuts in the Grassley plan goes to the wealthiest 1 percent. Eighteen percent goes to the bottom 60 percent. Talk about taking a principle and standing it on its head. That is what the Grassley proposal does. It does not funnel the money to those who receive the lowest income, who are the ones most likely to spend it. It gives the disproportionate share to the wealthiest 1 percent who are the ones most likely to save it, not spend it.

Again, however meritorious saving is—and I believe in it and applaud those who save—every economist has said to us you have to put this money in the hands of companies and people who will spend it and spend it now; not 2 years from now, not 3 years from now but now. The Grassley plan absolutely flunks that test.

Finally, the package should not worsen our long-term fiscal condition. The Grassley plan costs over \$200 billion, counting the interest. It costs over \$200 billion after fiscal year 2002.

That is digging the hole deeper. That is taking every penny of it from the Social Security trust fund surpluses.

When one thinks about it, here is what he is doing: He is taking money from payroll taxes—and over 70 percent of the people in this country pay more in payroll taxes than they do in income taxes—he is taking payroll tax money and using it to fund an income-tax cut that disproportionately goes to the wealthiest 1 percent. Think about that. He is taking money, over \$200 billion, after this economic slowdown is over—according to the administration's projections, he is taking \$200 billion of people's payroll tax money and going over and giving half of it to the wealthiest 1 percent in an income-tax cut when every economist has told us we ought to give the money in tax cuts to the lower income people who are most likely to spend it.

Instead, what he is doing is taking it from the low-income people, the 60 or 70 percent of the people who pay more in payroll taxes than they pay in income taxes, and giving it to the wealthiest 1 percent, who are the ones most likely to save it and not spend it. That is not a stimulus package. That is a tax cut package for the most privileged and the wealthiest among us. It is certainly not a stimulus package. It flunks every test, every principle that we agreed to on a bipartisan basis.

I hope our colleagues are thinking very carefully about this matter of a stimulus package. It is needed. It is needed soon. We have an economy that is in decline. We were in trouble before September 11. That circumstance has gotten seriously worse after the events of September 11, after the sneak attack on this country. We have an obligation to develop a stimulus package that is really stimulus, not a political plan, not a partisan plan but a plan that is going to help lift this economy. To do that it is critically important that while we are giving a short-term lift, a lift that will take effect in a way that is timely, that we also couple that with long-term fiscal discipline so we do not push up interest rates, so we do not undo all of the good we are attempting with a stimulus package.

I feel very strongly about this issue because I have seen in the 15 years I have been in the Senate the difference between healthy fiscal policy and fiscal policy that is built on debt and deficits and decline. The last thing we should do in this country is put our Nation back on the course of massive fiscal deficits, draining every trust fund in sight in order to cover other costs. That is especially important in the decade before the baby-boomers retire.

I am going to be ferocious on the question of not digging the fiscal hole deeper beyond the time of economic weakness. That would be a profound and tragic mistake to this country.

The distinguished occupant of the chair is the Senator from New York. New York has been devastated by the attacks on September 11. I think all of us are proud of the reaction of the people of New York. They have stood tall. They have responded with courage, and they deserve our help. Every time in our Nation's history when one of our States has been hit by natural disaster or some tragedy, all of the other States have rushed to help.

I remember when my own State was devastated in the 1990s by floods, the worst floods in 500 years. Colleagues from all across this country reacted in a generous way to help the people of my State who were so badly hurt. I remember when California was devastated by fires and earthquakes how all of us rallied around to help the State of California because it was the right thing to do and because we also recognized we are the United States of America and we are united at a time of difficulty for many of our people.

The people of New York have suffered not a natural disaster; it is a man-

made disaster, a disaster made by fanatics who took innocent lives by the thousands and devastated tens of millions of dollars worth of property and put New York's economy on a course that is going down. It is our obligation to help. We will help. We will fashion a stimulus package that will help all of our country recover.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORZINE. Madam President, I say to my colleague from North Dakota, as always, his analysis is spot on. He is addressing one of the fundamental needs of our Nation to have a responsible stimulus program, one that happens soon, one that has real impact and is not an ideological platform or program, but one that is designed to truly stimulate our economy. The more we hear the Senator from North Dakota articulate this, the better our country will be and the sooner our economy will be moving forward.

Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

The Senator from New Jersey is recognized.

Mr. CORZINE. I thank the Chair.

(The remarks of Mr. CORZINE pertaining to the introduction of S. 1602 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

# DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 2048 THROUGH 2053

Mr. HARKIN. Mr. President, I am going to ask consent to set aside the pending amendment only for the purpose of adopting six amendments that have been cleared on both sides as managers' amendments.

Mr. President, I ask unanimous consent that we set aside the pending amendment and that six amendments that have been cleared by the managers on both sides be considered and adopted.

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

The amendments (Nos. 2048 through 2053) were agreed to, as follows:

AMENDMENT NO. 2048

On page 33, line 22, strike all after the word "Center" through the word "vivarium" on line 23.

On page 33, line 25, strike all after the word "related" through the word "project" on page 34, line 2, and insert, in lieu thereof, "contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center".

AMENDMENT NO. 2049

(Purpose: To establish certain requirements relating to maintenance of effort for State expenditures on public education)

At the appropriate place, insert the following:

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a

State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1)."

AMENDMENT NO. 2050

(Purpose: To express the sense of the Senate regarding the release of fiscal year 2001 emergency funding for the Low-Income Home Energy Assistance Program)

At the appropriate place, add the following:

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided \$300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000–2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000–2001.

(4) In the winter of 2000–2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000–2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000–2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999–2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999–2000; and

(B) the weather was 10 percent colder than in the winter of 1999–2000.

(7) In the winter of 2000–2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the \$300,000,000 in emer-

gency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

AMENDMENT NO. 2051

(Purpose: To express the sense of the Senate that the Department of Health and Human Services produce a Notice, and for other purposes)

On page 54, after the period on line 15, add the following:

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

AMENDMENT NO. 2052

At the appropriate place, on page 93, after line 12, insert the following:

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi"; and

(2) in subsection (b)(1)(C), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

AMENDMENT NO. 2053

(Purpose: To require the Comptroller General of the United States to report on the State and local impacts of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996)

On page 93, after line 12, insert the following:

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term “administrative simplification requirements” means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

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

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

AMENDMENT NO. 2054

Mr. SESSIONS. Mr. President, I previously spoke on an amendment to provide for a study and report regarding Federal student loan disbursements to students attending foreign schools. I offer that amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2054.

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

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

The amendment is as follows:

(Purpose: To provide for a study and report regarding Federal student loan disbursements to students attending foreign schools)

At the end, add the following:

SEC. \_\_\_\_ STUDY AND REPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

Mr. SESSIONS. Mr. President, for the record, I made reference to this amendment earlier, but I inadvertently submitted another amendment. This is the amendment to which I spoke previously. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have been consulting with the distinguished assistant Democratic leader. He reports to me there are a number of procedural agreements that have been entered into. I appreciate Senators' cooperation in reaching these agreements.

As I understand it, we have also adopted by voice vote a couple of amendments. There are a number of amendments pending. It is my hope that we can proceed with votes on those at some point early in the day tomorrow. It would be my expectation that we could finish this bill by tomorrow night, and I would be inclined then not to have votes scheduled on Friday. We would want to lay down the appropriations bill on the District of Columbia, but I think we could probably work through that bill and make arrangements for further consideration of the bill early next week.

We have to get this bill done. If we are not finished with it by tomorrow night, clearly we will work on it throughout the day on Friday. My hope is we could finish our work on it sometime tomorrow night, and then Senators would have the opportunity to schedule their day on Friday knowing there would not be votes, although there will be Senate business.

I also have been asked by a number of our colleagues if we could accommodate them and their families tonight. We will do so. In keeping with that understanding, there will be no more roll-call votes this afternoon.

Having said that, it means we have a very full day tomorrow with a lot of votes on amendments tomorrow. I hope Senators will come to the Chamber, offer their amendments, agree to time limits, and allow us to work through them. We are leaving a lot of work for 1 day, but it would be my hope we could complete our work on that day.

I see the chairman is in the Chamber. I know he will work with Senators if they have amendments. Let us offer them tonight. Let us deal with them tomorrow if rollcalls are required, but let us get this bill done. I hope we can do so relatively early in the day. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2044

Mr. GRAMM. Mr. President, we are in the midst of debating and amending an appropriations bill. Earlier in the day, the distinguished majority leader offered an amendment relating to labor rights of public safety employees. I have been told that because there was a reference to collective bargaining in some area related to agriculture in the bill, this made it possible for this extraneous amendment, having to do



with collective bargaining and unionism among public safety employees, to be offered and considered germane to the pending bill.

If we are really trying to finish the Labor-HHS appropriations bill—which I would like to do, because certainly it is in my interest, and it is in the interest of all 100 Members of the Senate, but, more importantly, I think it is in the interest of the working men and women of America that we finish our legislative activities prior to Thanksgiving and put our permanent appropriations process into place, hopefully adopt a stimulus package that is worthy of the name to help the economy and do the work we have to do and complete our business prior to Thanksgiving—Then I do not think the pending amendment related to unionism of public safety workers contributes to that desired goal of finishing our work. In fact, I think exactly the opposite is true.

AMENDMENT NO. 2055 TO AMENDMENT NO. 2044

Mr. GRAMM. I have come to amend a pending Daschle amendment. So I call for regular order with respect to the Daschle amendment, and I send a second-degree amendment to the pending amendment to the desk, and I would like it read.

The PRESIDING OFFICER. The Senator has called for regular order. The clerk will report the second degree amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2055 to amendment No. 2044:

After line 7 on page 9, insert the following: "(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

Mr. GRAMM. Mr. President, this is a right-to-work amendment for public safety employees. It is interesting to me that in listing the things we want to do in the pending amendment, we have before us an amendment which overrides State law, which overrides county ordinances, and which would literally set in place a structure to unionize the sheriff's department in Brazoria County in Texas. I think it would come as a shock to people that we are in the process of doing that in the name of appropriating for the Department of Health and Human Services.

I am not in favor of doing this. I think this is a decision that States have to make. My State has decided Americans have a right to join or not join a union. My State is a right-to-work State, as 22 other States are. In fact, Oklahoma just joined the ranks of States that give people the right to decide to join or not join unions.

The idea that we are going to override State law and county ordinances and city ordinances to establish this Federal system of unionism comes as somewhat of a surprise to me.

As I read the rights that we are guaranteeing, it struck me that a right was missing. In fact, a real right was missing. Basically, in the Daschle amendment, we guarantee public safety officers the right to form and join a labor organization but, interestingly enough, nowhere do we give them a right not to join a labor organization. I do not understand rights where you have the right to do something but you do not have the right not to do it. I thought rights had to do with freedom to choose.

Under section 4 of the amendment, No. 2 on page 8, has to do with public safety employers recognizing employees' labor organizations.

No. 3 has to do with collectively bargaining over hours and wages and terms and conditions of employment.

No. 4 has to do with a requirement of dispute resolution.

No. 5 has to do with requirements enforcement through State courts.

It suddenly struck me that if this is really about rights, if we are going to try to reward those who have recently, through their actions, reaffirmed the affection and love that we have for them, should not one of those rights be freedom? In many States in the Union, people who are police officers or emergency workers do have the freedom to say, boy, I really appreciate you all giving me a chance to give you part of my wages and to join your union; I am really grateful for having a chance, but I do not want to do it, and I live in America. So since I live in America and you all have offered me this chance to be part of your union, but I would rather spend the money sending my child to college or buying a new refrigerator or fixing my truck, I am just going to say thank you but no thank you.

Now we have before us a proposal that would basically override State law in every State in the Union, override county ordinances in every county in America, and override the policies of every city in this country and establish a Federal standard for unionism for public safety workers. Yet in all of these rights we are giving public safety workers, never, ever do we mention freedom.

So we override State law. We set up a structure for unionism and we never give workers the right to say thanks but no thanks, I do not want to join a union; I appreciate it, but I think I could spend that money better than that union could spend it on my behalf. No harm meant, no disrespect. I just would rather spend it myself.

So I sent to the desk a second-degree amendment that adds a No. 6. You have five other rights that basically override State law and set up a structure for unionism with regard to public safety and emergency employees. I add

a sixth right, and that would be a right to not join a union.

If we are going to override State authority and State law in setting up a structure for unionism, should not we override State law with regard to allowing people to say thank you but I do not want to join a union? I thought this was America.

In fact, a public safety employee might say I put on this badge this morning to protect freedom and yet I find I do not have the freedom to not give my money to a union of which I do not want to be a member.

So it struck me that if, in fact, we really want to get into the business of writing county ordinances—I did not run for the county commission because I did not want to make county ordinances, and I did not run for the state legislature because I did not want to make law at the State level. My State, my county do a great job. They did not need my help. I was needed in Washington, at least I thought. So I came to Washington to write Federal law, but now today I have found the majority leader has decided he wants to get in the county commission business and the city council business and the State legislature business.

So as long as we are going to get into it, it seems to me that protecting freedom is something that we have to do. If we are going to have a Federal labor standard that protects people's right to join a union is a wonderful thing, is it less wonderful to protect their rights not to join a union? Is it really the American way to say you have a right to join a union—in fact, in over half the States in the Union, over half the States in the country, not to use the same word with a very different meaning, but in over half the States in America you have to join a union to be a police officer, you have to join a union to be a firefighter, you have to join a union to be an emergency worker because those States require that you join a union if that area is organized, and in those States it is.

So as long as we are writing Federal statute, I wanted to add the simple provision that said you had a right to join or not to join as it would suit your individual conscience or as it would suit your own preferences and the well-being of your family. I hope this amendment will be adopted if we are going to adopt the Daschle amendment. I offered it in all seriousness because I think it ought to be included.

If we really want to finish our work, I don't think this is an issue. I think the underlying Daschle amendment, while it is certainly germane—and the Parliamentarian has ruled it is germane—it doesn't promote our objectives to finish our business. I personally believe it should be dropped. If we are going to get into the business of overriding State law, county ordinances, and city ordinances, and mandate a structure of unionism, we ought to guarantee the right of people not to join a union.

I have offered such an amendment. If people want to put it into a pigeonhole, they can put it in the pigeonhole of a national right-to-work provision within a national union structure amendment that would simply say, with all the rights for unions the distinguished majority leader would provide, I add a right for an individual. The right is to say, yes, I want to join a union, or, no, I don't want to join a union.

That is what my amendment does. I hope my colleagues will look at it. It is simple. It is five lines long. It is flowery; and quite frankly, so is the amendment I am amending. I didn't want my part to be less flowery than the rest of it. If you read it, you will understand exactly what I am talking about. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there are a few things I want to do on the floor. I thank Senator DASCHLE for his amendment. I have not looked at the amendment of the Senator from Texas. Looking at the language of the Daschle amendment, there is the operative language that the role of the Federal labor relations authority, to the extent provided in this title, in accordance with regulations prescribed in the authority, shall protect the right of each employee to join, form, or assist any union organization, or to refrain, freely and without fear of reprisal, and protect each employee in the exercise of such right.

I think it ought to be clear that protection is already in the Daschle amendment.

The second point is, there is absolutely nothing in this legislation that undercuts State laws. I personally think the right-to-work laws can be debated at some other time.

Finally, I point out if they are interested in supporting the second-degree amendment and undercutting the amendment Senator DASCHLE has introduced—and I ask unanimous consent to be a cosponsor of the Daschle amendment.

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

Mr. WELLSTONE. That amendment basically is saying: Give the firefighters, the police, and other public safety workers the right to join a union and bargain collectively for decent wages and civilized working conditions, the right to be able to have a good wage to support their family. That is what this amendment says.

I originally introduced this bill, or a version of this bill several years ago. Now we can get it to the floor of the Senate introduced by the Senate majority leader. We can give all the speeches in the world about how much we appreciate the first responders, those who came to the World Trade Center building and tried to save people and lost their lives—firefighters, police, and other rescue workers. We can give speeches about it, we can give

concerts, we can pass resolutions, but the best way we can say thank you in this Chamber is to give these workers, these men and women, the right to join a union if they want to and to be able to bargain collectively.

That is what the vote is about. The second-degree amendment undercuts the amendment that Senator Daschle and others, myself included, have introduced.

We will get back to this later. That is my initial quick response.

Mr. HATCH. Madam President, last week during consideration of the Agriculture Appropriations bill, the Senate adopted an amendment Chairman TOM HARKIN and I authored which will provide \$1 million to the Food and Drug Administration for enforcement of three important consumer protection provisions of the Dietary Supplement Health and Education Act of 1994, DSHEA. Those provisions relate to the requirement that the dietary supplements be adequately labeled as to their ingredients and the proportion of each ingredient contained within, that statements of nutritional support (so-called "structure/function" claims) must be truthful and non-misleading, and that manufacturers be able to substantiate the claims they make.

These are very important protections we included in DSHEA so that consumers have the assurance that the products they buy are accurately labeled. In the seven years since the Congress passed this law unanimously, there have been sporadic reports that products are being sold that are not properly labeled. Indeed, the Senate Aging Committee held a hearing last month during which it was shown that there have been problems with appropriate enforcement of DSHEA.

It is my strong contention that the law is completely adequate to deal with these problems, as FDA Commissioner Jane Henney advised the Congress on more than one occasion. However, it is obvious to me that enforcement has not been the priority it should be at HHS and FDA.

Accordingly, I rise to offer an amendment which will provide the General Counsel with an additional \$500,000 for legal support for enforcement of the labeling provisions of DSHEA. I am pleased to be joined in this effort by Chairman HARKIN. This is part of our on-going initiative to make certain that consumers have access to safe dietary supplements and information about those products. This amendment we offer today will complement the amendment we adopted last week. The increased funding for the FDA's Center for Food Safety and Nutrition will be used for investigations and compliance activities in the field. The funds contained within the amendment we are offering today will be used to support any legal activities which might arise from field enforcement.

Let me emphasize my strong belief that the majority of dietary supplements are of great benefit to con-

sumers who wish to maintain or improve their healthy lives. However, consumers need the assurance that the products they buy are safe and accurately labeled, and it is time for the FDA to place a greater priority on enforcement against the few bad actors that are casting a large shadow over the industry. Our amendment will help the government place a renewed emphasis on removing illegal products from the marketplace. This will be a great benefit to American consumers.

Before I close, let me mention one other provision of our amendment. The 1994 law called upon the FDA to develop Good Manufacturing Practice, GMP, guidelines for dietary supplements. GMPs are the primary enforcement tool whereby government inspectors ensure that all food products, including dietary supplements, are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping.

Although HHS published an Advanced Notice of Proposed Rule-Making in early 1997, to date the agency has not published the Notice of Proposed Rule-Making which is necessary to being finalization of the GMPs. Senator HARKIN and I have called, written and implored the Office of Management and Budget, HHS, and FDA to issue these regulations. To date, we have not been successful, although it is our understanding that the NPRM was about to be published in the final days of the Clinton Administration.

I am not aware of what the NPRM will contain. Perhaps it will be a good document. Perhaps I will disagree with it vehemently. I cannot say.

What I can say is that the NPRM must be published and available for comment before we can move to finalize the GMPs for dietary supplements. For that reason, the amendment we are offering today expresses the sense of the Senate that the Administration release this regulation within 15 days after the bill is enacted. It should not require an act of Congress for this regulation to be issued, and I still remain hopeful that the NPRM will be published in the next few days so that we may continue the long-delayed process of finalizing the regulation.

I urge adoption of this amendment.

Mr. REED. Mr. President, I rise to discuss the Labor, Health and Human Services, and Education appropriations bill.

First, I want to commend Chairman BYRD and Senator STEVENS, as well as Chairman HARKIN and Senator SPECTER, and their staff, for their work on this bill. Given the budget realities, I know it wasn't an easy task to put this bill together, and I know they would agree we should have even more robust numbers for many programs.

That is why it is important to recognize the increased investments contained in this bill, like dislocated workers; NIH; CDC; SAMHSA; LIHEAP; Head Start; Title I; teacher quality; and Pell grants.

I am particularly pleased that the bill significantly enhances the childhood immunization program under CDC, providing \$84.5 million more than last year and \$62.5 million more than the administration's budget request.

This additional funding is critical to the continued success of the program, which has faced dramatic increases in vaccine purchase costs, as well as new challenges in program outreach and in vaccine delivery infrastructure development.

In addition to its work in preventing and tracking diseases, the CDC also plays a critical role in our effort to maintain and control the onset of chronic disease among Americans. Seven of every 10 deaths in this country each year can be attributed to chronic diseases such as heart disease, stroke and cancer.

CDC's work to improve our understanding of risk factors, such as tobacco use, poor nutrition and lack of physical activity, through applied research is the cornerstone of our Nation's effort to curb the current epidemic of chronic disease related deaths.

I would also like to commend the chairman and ranking member for preserving funding for the Health Professions Program at HRSA. This program provides vital support to academic institutions and students in an effort to improve the accessibility, quality and racial and ethnic diversity of the health care workforce. The administration's budget proposal would have decimated this program.

During this time of shortages in a variety of health care settings, the health professions and nurse education programs are key to our continued efforts to recruit motivated and qualified individuals for the health care workforce.

I have been particularly interested in the work of the Geriatric Education Centers Program, which provide training for health care professionals who provide care to our Nation's seniors, as well as support for faculty who teach geriatrics. Rhode Island has one of the highest concentrations of people over the age of 65, with persons over the age of 85 being the fastest growing segment of the population. As such, I am deeply concerned about the lack of health professionals specifically trained to address the health care needs of our rapidly aging population. The geriatric programs sponsored by HRSA, including one in my State, play a vital role in enhancing the skill base of health professionals who care for frail and vulnerable seniors.

As a final point with regard to the health related provisions in this legislation, I would simply add that I hope that Senate conferees will be able to work with the House to increase the current funding level for the Community Access Program (CAP) at HRSA.

I also want to thank Senators HARKIN and SPECTER for providing \$2 billion in LIHEAP funding. This is an 18-percent increase over funding provided in

the fiscal year 2001 appropriation bill. LIHEAP is an important program for residents of the Northeast and Midwest, and this increased funding is especially important now. The slowing economy and layoffs will make it increasingly more difficult for low-income families to be able to afford to heat their homes this coming winter. If these families cannot pay their heating bills then they will be forced to choose between heat, prescription drugs, housing, and food. This additional funding will help working poor families maintain economic stability during this difficult time.

As for education funding, I am pleased on many fronts. The bill provides an overall increase of \$6.3 billion, including a \$1.4 billion increase for title I, \$925 million to preserve the School Renovation Program, \$1 billion for the 21st Century Community Learning Centers (after school) program, \$3 billion for teacher quality, and a \$250 boost in the maximum Pell grant to \$4,000.

I particularly appreciate the \$15 million increase for LEAP, bringing funding for this program to \$70 million. LEAP is a Federal-State partnership program which helps needy students attend and stay in college. I have worked closely with my colleague from Maine, Senator COLLINS, on this program, and I look forward to continuing to work with her, Chairman HARKIN, and Senator SPECTER to maintain this funding level in conference.

I also want to thank Chairman HARKIN and Senator SPECTER for including funding for a critical national cause I have long championed, along with Senator COCHRAN and others in this body—support for our Nation's school libraries.

The condition of our school libraries is a national disgrace; they either contain mostly bare shelves or are filled with outdated books. Without funding, the goal of the President's Reading First Program to ensure children can read and read well at an early age, will not be met.

While I am pleased that the bill provides a modest downpayment for this program at \$25 million, additional funding is certainly needed.

I want to continue to work with Chairman HARKIN and Senator SPECTER to provide increased resources for this critical program, so that it will work hand in hand with Reading First to improve our student's literacy levels and reading scores.

Certainly Chairman HARKIN's ESEA amendment to fully fund IDEA would provide the resources needed for the school library program and countless other programs, while meeting the needs of our children with disabilities and schools.

I strongly support this effort, and will work with the chairman of the subcommittee to press for this amendment to be retained in the ESEA conference. Indeed, we must pass this amendment to ensure that essential

initiatives get the funding needed to work.

#### UNANIMOUS CONSENT—S. 739

Mr. WELLSTONE. I ask unanimous consent the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Mr. WELLSTONE. Mr. President, this is the second or the third time I have come to the floor. My colleague from Alabama, though we do not agree on all issues, is a friend, so nothing I am about to say is directed to him. He has to object.

I would like to know which brave Senator has put an anonymous hold on this bill. With all due respect, this piece of legislation, which is called the Heather French Henry Veterans Assistance Act, is named after Heather French Henry, a Miss America who made this her No. 1 priority. Her dad is a disabled Vietnam vet. It passed out of the Veterans' Affairs Committee with bipartisan unanimous support.

It is the same piece of legislation introduced by LANE EVANS. There is nobody better in the whole Congress, House and Senate; he is the best when it comes to being for veterans. He has introduced this, moved through the House, and the VA has supported it. We had the Secretary there. He approves of this legislation—Secretary Principi. The VA reported there were 345,000 homeless veterans in 1999, a 34-percent increase in homeless veterans from 1998 to 1999. I bet a third of the males who are homeless are veterans. That is a scandal. I know my colleague from Alabama agrees with that.

What does this bill do? It increases the \$50 million authorization for the Department of Labor Homeless Veterans Reintegration Program. They basically contract out; the nonprofits do the work at the local level. These are effective job training programs for homeless veterans so they can get back on their feet.

The bill authorizes additional funding for community-based organizations which do the best work in providing different transitional services to veterans, whether it be programs that deal with addiction, whether it be programs to help veterans find more affordable housing.

Finally, it talks about more comprehensive homeless centers that will be available in the country's major metropolitan areas; in other words, a place where there can be medical care, where there can be job counseling, and where there can be social services.

My understanding is—and I don't know how many veterans organizations

have now sent in letters, but I can safely say there is not a veterans organization in the country that would oppose this legislation. I could travel to any State, any center, and I could go to a homeless shelter. I used to organize with homeless people, visit with homeless veterans, many Vietnam veterans. This legislation provides some support services for them—job training, counseling for veterans struggling with addiction, other social service programs.

There is a Senator who has put a hold on it, and I cannot find out who he or she is. These anonymous holds drive me up the wall. I have never put an anonymous hold on a bill—never. I am putting a hold on just about every single piece of legislation that any Senator on the other side of the aisle wants to put through here until this piece of legislation goes through. I have come out here twice or three times. I can't find out who objects to it. I would love to debate a Senator about why he or she opposes this homeless veterans bill.

So I am going to come to the Chamber every day, every single day, and I am going to ask unanimous consent to pass this bill. I hope that whoever opposes it will tell me why. In the meantime, I am putting a hold on just about every single piece of unanimous consent legislation that is proposed from the other side of the aisle, which I hardly ever do.

This is a great way to proceed in a bipartisan manner, to have some Senator, who has apparently very little courage, put an anonymous hold on a bill which provides more homeless assistance to veterans, who will not come out here to debate it, and basically stops it dead in its tracks. I have been around here 11 years. The only thing I can figure out is I just put a hold on pretty much everything that comes from the other side of the aisle. I will review them one by one, but I will not do it anonymously.

Let me say to my colleagues, many of whom I enjoy and like and rarely am angry with even if I disagree, I am sorry. I apologize. But I am putting a hold on just about every single piece of legislation that comes through here from the other side.

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

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. I ask that I may speak up to 10 minutes in morning business.

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

#### SENATE PRIORITIES

Mr. THOMAS. Madam President, I rise to reflect a little bit on the issues

we have before us and the idea that we have some things to do that are priorities. I think most of us would agree to a certain set of priorities, and that we ought to be dealing with those priorities and moving forward with what we have to do. We have known this for quite a long time, as a matter of fact.

I am sure the folks on the other side of the aisle will get up and say the Republicans are blocking everything; that is not true. We need to put a priority on what we are seeking to do and get those jobs done.

We have three more appropriations, I think, out of the 13 with which to deal. We ought to be doing that and we are working on one now.

Conference reports, which will be coming back—handle those.

Certainly, I think everyone is committed to the idea of doing an economic stimulus package. I understand there are different points of view, and it is understandable because I don't think anybody knows precisely what it is that will have the most and quickest impact on the economy. Nevertheless, we need to do that; we need to do some things that are short term that have an impact. Most of us understand that.

We need to finish up airport security. That has to be done, of course, before we go.

Somewhere along the line, of course, bioterrorism is something that needs to be done.

We had hoped as part of the stimulus package or related to it we could get a date or do something with energy. If there is anything that impacts the economy, certainly it is an energy policy. An energy policy also, of course, is becoming vital to what we are seeking to do in the Middle East.

The idea that here we are in kind of a shutdown, when we are kind of in a press to get things done, and it seems like an opportunity to stick on everything that everybody has ever wanted to do is not a very good way to manage this place. It is not a very good way for us to set the priorities that this country needs, which is our job, and then to get on with doing it.

I have to say it gets a little discouraging sometimes for us to be going along with all this to do and somehow we can't seem to get with it. We have not even voted in the last 2 days in a rollover vote.

I know it is a difficult thing to do. I am not critical of anyone particularly. But I think collectively we ought to come to the snubbing post and say we have these things to do and here is what we have to do to them and put aside some things that have been hanging around forever and put them on something that is going in, which is always the impact and effect of coming down to the end.

I have to share a certain amount of frustration with what is happening. We are not going to agree on every issue. To not understand that is naive. But we could agree on saying we have to get this job done. Some have to give up

this or have to give up that, but we have to do it.

I feel very strongly about the energy issue. I have been part of the group that has worked on that for a very long time. I do believe it has, indeed, always been important to have a policy, to do something more about domestic production. But it is even more important now, and clearly so.

I can't think of anything, as a matter of fact, that probably has more impact on the economy than the availability and cost of oil and we produce that oil and the cost of production.

These are the kinds of things we can do. So I am hopeful that as we work towards adjournment time, which can't be too far off, we will set a list of priorities. We should say: These are the things we need to do. Here are our priorities. Let's do them. Let's get on with it.

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

Mr. SESSIONS addressed the Chair. The PRESIDING OFFICER. Does the Senator withhold?

Mr. THOMAS. Yes. The PRESIDING OFFICER. The Senator from Alabama.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 2042, 2045, AND 2054,  
WITHDRAWN

Mr. SESSIONS. Madam President, I have offered three amendments today: Amendment No. 2042, a wage index adjustment amendment; amendment No. 2045, calling for a study on AIDS prevention program funding; and amendment No. 2054, an amendment dealing with a study on student loans, with the goal of reducing fraud and abuse in student loan programs.

Having worked with the leadership and the floor managers on these amendments, I withdraw all three amendments at this time, with the understanding that amendments Nos. 2045 and 2054, with modifications, would be made part of the managers' amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have spoken with the managers of the bill, and what the Senator from Alabama has said is correct. If, for some reason, the managers cannot agree to these amendments—and they have indicated they would—the Senator would have a right to reoffer these amendments.

Mr. SESSIONS. I thank Senator REID for his courtesy, as always.

The PRESIDING OFFICER. Without objection, it is so ordered. The three amendments are withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

### ENERGY POLICY

Mr. SESSIONS. Madam President, I would just like to share a few remarks at this time concerning the energy bill. We need to improve our production of energy within the United States, and I would like to share a few thoughts about why I think it is a critical part of stimulating the economy.

At this time of economic slowdown, we need to create circumstances that will allow the economy to grow and flower. It has struck me for some time—and I have mentioned this on the floor previously—that our economic slowdown began over a year ago, and it began not long after we saw a tremendous surge in the price of energy. The price of a barrel of oil in the United States was as low as \$13 a barrel. It soon leaped to \$30 a barrel. And 60 percent of all the oil we utilize in the United States is purchased abroad.

So there was a tremendous transfer of American wealth. We got no more oil—not a single barrel of oil—but we were paying more than twice as much for that oil as we were paying just months before it surged upward.

That drained a great deal of money from this economy. It demonstrated, with great clarity, the dependence we have on foreign oil. And most of the reserves of foreign oil are in the Middle East. It has pointed out the dangers we face if we do not make some changes.

Now we are engaged in hostilities in the Middle East, and we see, once again, just how fragile that supply of oil is to our Nation, and how quickly it can be interrupted.

Our economy needs to improve. I think it is incumbent on us to consider, quite seriously, reforming our energy laws so that we can produce more energy in this country. If we can do that, we will be able to keep more money at home. So when a well is drilled, the question is, Will it be drilled in Saudi Arabia or Iran or Iraq or Kuwait, or will it be drilled somewhere in the United States? When it is drilled here, not only does the money stay here—the royalties that are paid to the State or the landowner for the oil—but all the people who drill the well, all the people who work at it, process the oil, and move that oil from the wellhead site—all of those people will be paid salaries; and then they will pay taxes. They will help reduce our unemployment, increase tax revenue, and provide income for American workers.

So we need to do a number of things to improve our energy situation so that we reduce the drain on our economy from the constant purchase of oil abroad.

Conservation is a critical part of that. The more we can reduce the use

of oil and gas in America, then the less demand we have to transfer wealth abroad to purchase it. At the same time, the more we can produce in the United States, the greater our chance will be to churn that money again within the United States, creating jobs, salaries, retirements, and health care benefits, as well as taxes for our States and our governments, our local school systems, and the Federal Government. It will strengthen our economy in a number of ways.

I think improving our energy production would be a critical step in revitalizing our economy. I do not think it is coincidental that we began to sink not long after we saw a tripling of the price of oil on the world market.

I am delighted to see the ranking member of the Energy Committee, Senator MURKOWSKI, in this Chamber. I know he wants to speak on this issue. He has been a constant, steady advocate for America: What is good for American workers, what is good for this country, what we need to do to remain economically strong.

If we do not remain economically strong, we cannot do the good things in this country, and around the world, we want to do.

He has been a great champion of that. As I said, I see he is in this Chamber. I suspect he would like to talk on the energy issue in more detail.

I thank him for his leadership and yield the floor to him.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, let me acknowledge the comments of my good friend. He and I have shared stands on many issues; and one that I think is prominent at this time, as indicated, is on the issue relative to the request by our President that we have and pass an energy policy, and that we do it with dispatch.

Our President has spoken out four times in the last 2 weeks, indicating the general observation that, indeed, we need an energy bill.

Quoting from a late October release, the statement is made that:

Tax relief is only part of the job. We need an energy plan for America. Under the leadership of the Vice President, we have drafted a comprehensive, common sense plan for the future of our country.

It further states that:

It has passed the House of Representatives in H.R. 4. It needs a vote in the U.S. Senate. We need to be more self-reliant and more self-sufficient.

On October 17, he indicated:

I ask Congress to now act on an energy bill. The House of Representatives passed its bill in August. This is an issue of special importance to California, the State of Washington [which the Presiding Officer represents]. Too much of our energy comes from the Mideast. The plan I sent up to Congress promotes conservation, expands energy supplies, and improves the efficiency of our energy network. Our country needs greater energy independence.

On October 4:

There are two other aspects to a good, strong economic stimulus.

I note that the President uses the words "economic stimulus."

One is trade promotion authority, and the other is an energy bill. I urge the Senate to listen to the will of the Senators and move forward on a bill that will help Americans find work and also make it easier for all of us around the table to protect the security of the country.

We have spent a lot of time talking about homeland security. An integral piece of homeland security is energy independence. I ask the Senate to respond to the call to get an energy bill moving."

The President made another comment to a group today asking again that this body move on an energy bill. It would be derelict if we are to conclude this session without addressing an energy bill.

We are not alone. I have letters here from the American Legion, Vietnam Veterans Institute, Veterans of Foreign Wars, AMVETS, Gold Star Wives of America, Catholic War Veterans, Survivors of Pearl Harbor, all who participated in a press conference yesterday here in Washington.

I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,  
Washington, DC, October 25, 2001.

Hon. TOM DASCHLE,  
Majority Leader, U.S. Senate,  
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security, as it relates to our need for energy independence. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being. The import of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade balance at a time when our energy demands continue unabated. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

Working for a comprehensive energy policy and achieving responsible energy independence are critical national security and economic goals. H.R. 4, as passed by the House of Representatives, is a major step forward to achieving these imperative goals. We strongly urge your support.

Sincerely,

RICHARD J. SANTOS,  
National Commander.

VIETNAM VETERANS INSTITUTE,  
October 30, 2001.

Hon. TOM DASCHLE,  
Majority Leader, U.S. Senate,  
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security as it relates to our energy supply. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to

immediately pass H.R. 4, the comprehensive energy legislation.

We are pleased the House of Representatives, acting with bipartisan support, addressed our energy vulnerability by passing H.R. 4, the 'Securing America's Future Energy Act of 2001' or the 'SAFE Act of 2001.' It is imperative the Senate do the same. Following the horrific events of September 11, 2001, failure to pass this bill would pose a threat to our people, our economy, and our national security, that we all wore the uniform to maintain.

All Americans, as well as our military troops, need this legislation enacted into law. If we intend to rebuild our economy and continue the campaign against international terrorism and those who attacked us, we must develop domestic sources of oil contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge. We must be able to rely to the fullest extent possible on our own resources to provide for the maintenance of our economy at home and our prolonged war effort abroad.

By passing H.R. 4, the comprehensive energy legislation now, the Senate will be supporting our troops in the field and all working Americans, including those displaced by this heartless act of aggression. We, as Veterans, stand united and cannot overstate the importance of this legislation, and respectfully request you lead the Senate by voting on and passing H.R. 4 so our nation can move forward in defense of freedom around the world.

We know that when the chips are down, America can and will stand and fight, using all its resources and all its might to defend our nation and the cause of freedom around the world. Join us in this cause. Pass the comprehensive energy bill and help us rebuild America!

With the support of our members,  
J. ELDON YATES,  
*Chairman and Founder.*

—  
AMVETS,  
*Lanham, MD, October 26, 2001.*

Hon. TOM DASCHLE,  
*Majority Leader, U.S. Senate,  
The Capitol, Washington, DC*

DEAR SENATOR DASCHLE: On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, before the full Senate for consideration at the earliest possible moment prior to the close of the 1st Session of the 107th Congress.

As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

Passage of H.R. 4, would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy. And, I would note that since the Persian Gulf War our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent.

AMVETS firmly believes that we cannot wait for the next crisis before we act. H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We urge your expedited approval of this legislation.

Dedicated to service,  
JOSEPH W. LIPOWSKI,  
*National Commander.*

STATEMENT OF OUR NATION'S VETERANS GROUP "OUR DOMESTIC ENERGY SECURITY IS OUR NATIONAL SECURITY", OCTOBER 30, 2001

We, the undersigned, representing our nation's veterans, strongly believe that the development of America's domestic energy resources is a vital national security priority. The horrific events of September 11, 2001, constitute a threat to our people, our economy, and our nation's security. With U.S. troops actively engaged in combat overseas, we firmly believe that America can and will win this prolonged war against terrorism, using all its resources to defend our nation and the cause of freedom around the world.

Because of these beliefs, we applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4, the "Securing America's Future Energy Act of 2001" or the "SAFE Act of 2001." It is imperative that the Senate pass the House version of H.R. 4 so that our nation can move forward in establishing our energy security, as well as our defense of freedom at home and abroad. It is essential for us to develop all domestic energy resources including the supplies within the Arctic National Wildlife Refuge.

By passing H.R. 4, the comprehensive energy legislation, the Senate will be supporting our troops in the field, all Americans, their families, and our nation. We, as Veterans, stand united and respectfully request that the Senate vote on and pass H.R. 4.

J. ELDON YATES,  
*Chairman and Founder,  
Vietnam Veterans Institute.*

Mr. MURKOWSKI. These letters indicate their support for energy legislation to be passed out of the U.S. Senate. From October 25:

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security as it relates to our need for energy independence. The development of America's energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

The House has acted. This letter was signed by the American Legion.

Here is a quote from the AMVETS letter:

On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, to the full Senate for consideration.

The Vietnam Veterans Institute:

We write today out of a sense of urgency concerning our national security as it relates to our energy supply.

The important point is that each one of these organizations reflect on our energy supply in conjunction with our national security.

They further state:

If we intend to rebuild our economy and continue the campaign against international terrorism and those who attacked us, we must develop domestic sources of oil contained within our public lands—such as supplies within the Arctic National Wildlife Refuge. We must be able to rely, to the fullest extent possible, on our own resources. . .

That is signed by J. Eldon Yates, chairman and founder of the Vietnam Veterans Institute. We have our Nation's veterans groups also signing on as well. These represent a pretty significant voice of those who gave so much for America, for the freedoms we

enjoy and the realization that we can never properly repay the contribution made by our veterans.

I note in the letter from the American Legion:

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During these times of crisis, such reliance threatens again our national security and economic well-being. The importation of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade deficit at a time when our energy demands continue unabated. It is important that we develop domestic sources of oil contained within our public lands, such as the supplies within the Arctic National Wildlife Refuge.

We have a pretty good representation of what America's veterans think about the necessity of this body passing an energy bill. It is important to note that one member of this body, the junior Senator from Massachusetts, is quoted as saying, with regard to his comments on patriotism vis-a-vis ANWR:

This is not the moment to falsely cloak in the mantle of patriotism a choice as clear and as critical as the choice about the Arctic National Wildlife Refuge.

I will let the Senator speak for himself relative to an explanation. It is in deep contrast to the attitude prevailing among America's veterans organizations.

If we look at reality associated with what is happening in the world today, we can reflect on just how we have compromised ourselves into a position of vulnerability. There is a gentleman who was a Member of this body for many years, Mark Hatfield of Oregon. Mark Hatfield was a pacifist. I think I can liberally use that general terminology. His position on opening up this area of public lands in my State of Alaska was very clear. He said: I will support opening up ANWR any day rather than send another American man or woman into harm's way to fight a war on foreign soil. Make no mistake about it, that is just what we are doing today; we are fighting a war on foreign soil.

What is the last war we fought over oil? We have to go back to the Persian Gulf conflict. We have to go back to what Saddam Hussein of Iraq was basically up to, what his objective was. His objective was to go into Kuwait, invade Kuwait and go into Saudi Arabia. He knew that he could control the world's supply of oil, and the power and influence that would come as a consequence of that would certainly put him in the driver's seat relative to policies in the Mideast.

What are we doing today? We are importing somewhere between 700,000 and a million barrels of oil from Iraq, from our friend Saddam Hussein. What do we do with that oil? We enforce an aerial blockade to a large degree because we fly our planes over enforcing the no-fly zone. It might be compared to a blockade at sea, only this is one in the air. We are putting in danger our men and



women as they enforce this. They take out targets, radar targets, from time to time. He attempts to shoot us down. He shot down a couple of drones. He has almost shot down one of our interceptor aircraft. As a consequence, as we continue this policy, our vulnerability is evident.

In so doing, he takes our money, pays his Republican Guards for protection, develops a missile capability, develops, for all practical purposes, activities associated with fostering terrorism, he develops a biological weapons capability. Who does he aim it at? He aims at our ally Israel.

That is a consequence of the United States losing its leverage relative to its continued dependence on Mideast oil.

We see the latest press release dated October 25, AP, "Qatar Calls For Oil Production Cuts." We all know what this means. This means the OPEC nations are coming together to reduce the supply so that the price of oil can be increased in that range of \$22 to \$25.

We see another headline, from Washington Post, October 26, "Iraq Caught Smuggling Oil, U.N. Official Says."

As we all know, Iraq is under economic sanctions regime. The U.N. has control, up to a point, over monitoring the sale of oil from Iraq. But what Iraq has been doing is they have been cheating. What they do is they bring a tanker into their port. There is a certification on a bill of lading for so many barrels of oil. The U.N. inspectors sign off on it. And then after they leave, they fill up the rest of the tanker with illegal oil, and, obviously, the profits go to Saddam Hussein.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

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

[From the Washington Post, Oct. 26, 2001]

IRAQ CAUGHT SMUGGLING OIL, U.N. OFFICIAL SAYS

(By Colum Lynch)

UNITED NATIONS, OCT. 25.—Iraq was caught smuggling \$10 million worth of oil through an Athens-based shipping company in violation of U.N. sanctions, the United Nations said today. U.S. and U.N. officials have long suspected Iraq of siphoning between \$1 billion to \$2 billion in oil revenue each year. But this is the first time that the United Nations has obtained hard evidence to support those suspicions. Under the terms of a U.N. oil-for-food program begun in 1996, Iraq is allowed to sell oil to buy humanitarian goods, pay restitution to the victims of the Persian Gulf War and fund improvements in the country's infrastructure. Iraq exported more than \$18 billion worth of oil last year.

Benon Sevan, the executive director of the program, provided the U.N. Security Council on Wednesday with a letter from a Greek captain who has admitted illegally exporting 500,000 barrels of Iraqi crude during two trips to the Persian Gulf port of Mina Al-Bakr in May and August. Chiladakis Theofanis, captain of the oil tanker Essex, wrote to the United Nations and the United States in September that Iraq loaded 1.8 million barrels into his vessel on May 16 while a team of U.N. inspectors looked on.

When the U.N. officials left the site, the Iraqis pumped an additional 230,000 barrels of crude into the tanker and provided a bill of lading for the additional oil to a company called Roundhead Inc., Sevan said. A similar scheme was repeated on Aug. 27.

"The ships involved first loaded the quantities of oil which were authorized under the program," Sevan said in a letter to the Security Council committee that oversees Iraq's oil exports. "After United Nations inspection agents had finalized their activities on board of the ships, the load pumps on the platform were allegedly restarted in order to load additional volumes of oil on the vessels." Iraq's ambassador to the United Nations, Mohammed Douri, denied the charges.

The Security Council has been attempting to stop the Iraqi smuggling but has encountered resistance from Russia, which has contended there is little proof. Russia has blocked a U.S.-British proposal to revise the sanctions policy against Iraq.

The proposal aims to ease civilian imports while tightening the controls on oil smuggling and the purchase or prohibited weapons. Moscow favors steps aimed at lifting the sanctions entirely. The oil-for-food program will be up for renewal on Nov. 30.

Mr. MURKOWSKI. It indicates that when the U.N. officials left the site, the Iraqis pumped an additional 230,000 barrels of crude oil into the tanker and provided a bill of lading for the additional oil to a company called Roundhead Incorporated. This was repeated again on the 27th. The estimated revenue that has come into Iraq is indicated to be between \$1 and \$2 billion in additional revenue as a consequence of these activities.

We know this cheating is going on. We are about to face the reality that the price of oil is going to be increasing as OPEC recognizes the vulnerability of the United States.

I want to share one more thing with the Senate. This is the foreboding reality of the future. Some of us around here remember what happened in Iran a little over a decade ago. The fall of the Shah. The Shah fell. How did he fall? He fell in a revolution that occurred as a consequence of the unrest in that country at that time.

I would suggest that the record would note that the same set of circumstances are very much in evidence in Saudi Arabia today.

You may recall the Greek myth about Cassandra, who had the ability to predict the future, combined with the curse that nobody would believe her. When it comes to energy, I am beginning to feel somewhat like Cassandra.

I have come to this floor week after week pointing out the peril of our current energy situation and the looming disaster that is our energy future if we simply maintain our current course. I have come before this Senate week after week calling for a balanced and responsive energy policy to the crisis ahead, a policy that stresses production and conservation, which promotes the development of alternative energies, as well as prudent development of traditional resources.

Earlier this year, Senator BREAUX and I submitted a bipartisan energy

bill that had over 300 pages. The bill had extensive proposals for conservation and alternatives. But the only thing most of the colleagues focused on was the 2 pages covering a small sliver of the Arctic in my State of Alaska known as ANWR. That is where the lightning rod was, Madam President.

As we know, we are living in a new era today, after September 11. Our country and our way of life were attacked on that date, and we are in the midst of the anthrax scare. It is, in all likelihood, closely connected with the attacks in New York and Washington. What do September 11 and the subsequent events have to do with energy? I say, everything.

At the risk of sounding like a Cassandra again, I want to set out the facts as they are known now and invite this body to look into the future.

Fact No. 1: Every reputable scientific study of our future energy consumption suggests that, even with dramatic conservation and rapid development of economical alternatives, our dependence on oil as a percentage of overall energy use will increase for the next 20 years. Whether we like it or not, a stable source of oil is key to our economic viability for the foreseeable future.

Fact No. 2: Absent new discoveries, the major source for new energy imports will be the Persian Gulf, the location of a majority of the world's known reserves. We are already dependent for about 25 percent of our total oil use on the Persian Gulf, and that number will only increase. This Nation today is importing 57 percent of the crude oil we consume, with half of that coming from the Persian Gulf.

Fact No. 3: Our relationship with the Persian Gulf countries is uneasy, to say the least. Of the major oil-producing countries in the Persian Gulf, we apply some form of economic sanction to all of them. Think of that. We have economic sanctions on virtually all of those countries in the Persian Gulf from which we import oil. We have a moratorium on imports from Iran. We import, as I indicated, somewhere between 700,000 and a million barrels a day from Iraq, which we have been bombing for 10 years. Our relations with the remainder are complicated by a number of factors, not the least of which is our alliance with Israel, a country which is the sworn enemy of most of those nations in the Mideast.

Fact No. 4: The stability of the Persian Gulf is in grave doubt. We have spent billions to have troops stationed in Saudi Arabia to contain Iraq in the name of the Persian Gulf Stability Accord. Radical Islamic movements are a serious political force in many other countries. Even Saudi Arabia, our traditional bulwark of stability in the region, is now a cause for grave concern.

Mr. Hersh's article, written after extensive consultations with the National Security Agency and others, paints a grave picture of Saudi Arabia's political future, the corruption of

the country's regime, its alienation from the country's religious rank and file, and its vulnerability to Islamic fundamentalism.

Detailed in the article is an eerie reminder of the situation in Iran in the late 1970s under the Shah. Iran was, of course, at that time the United States' stable anchor in the gulf. We all remember too clearly what happened in Iran.

Mr. Hersch also points out the level of complicity between those we rely on for energy in Saudi Arabia and those who seek to attack the United States and our citizens.

Saudi Arabia is the largest single source of funding for radical fundamentalism and its organs of terror. The Taliban would not exist but for Saudi Arabian money. That has been identified. Al-Qaida and Osama bin Laden would not exist but for Saudi money. I need not remind you that Saudi money would not exist at all but for oil. It all comes back to oil.

On October 22, the two largest newspapers in New York and Washington, DC—the sites of the attacks on September 11—issued editorial opinions urging that we resist linkage between the events of the 11th and energy policy—totally in contrast to the position, I might add, of organized labor and veterans in this country.

Let me confront those opinions with another set of basic facts about the September 11 attacks. Osama bin Laden and other radical Islamic groups have three major issues with our Nation. First, the United States alliance with Israel—our traditional alliance with Israel is being put to the test by energy dependence in the gulf. The Bush administration, which has been as good or a better friend to Israel than any other administration in recent memory, is now somewhat at odds with Israel in an attempt to appeal to more moderate elements in the Gulf. What is this all about? It is about oil.

Secondly, bin Laden wants United States troops out of Saudi Arabia. Why are we there? To prevent Iraq from threatening the stability of the gulf. The issue is oil.

Thirdly, bin Laden believes that the value of Persian Gulf oil should be seven times its current price—that is, \$144 a barrel. He has written in his extensive writings that he wants to seize control of what he calls the “Islamic wealth” in order to end what he calls the “greatest theft in human history”—the U.S. purchase of cheap oil.”

It is all about oil, oil, oil. To suggest there is no linkage between energy policies and the events of September 11, in my opinion, is ludicrous. It doesn't take Cassandra to see where our energy future is headed. It will, however, require action by this Senate in order to reverse our present course. The House has done its job. The President has asked the Senate to act. I urge my colleagues to pass energy legislation as soon as possible.

I think we have continually communicated, as a minority, with the Demo-

cratic leadership urging the scheduling of an energy bill that we can take up and debate prior to going out on recess. There seems to be a reluctance in the Democratic leadership. There is an energy task force report in the energy bill that we have outlined. It is very unrealistic, in my opinion, to address the arguments, one of which, of course, continues to be the issue of ANWR.

One of the fascinating things about the contribution of oil that comes down the west coast to the States of Washington, California, and ultimately Oregon—although Oregon does not have a refinery—is the reality that nearly two-thirds of that oil comes from Alaska. If Alaska doesn't replace that oil, that oil is going to come into these States, and it is going to come from the Mideast, come in foreign tankers that are built in U.S. shipyards, with U.S. crews.

The States of Washington, Oregon, and California should recognize their secure supply from Alaska is much more valuable than the unknown risks associated with bringing oil in from the Mideast.

As Congress looks at the current exposure to terrorism, where a terrorist act in Saudi Arabia can overthrow the royal family in Saudi Arabia, or there could be a terrorist attack on ships going through the Straits of Hormuz—all of that leads to the question: Should we have an energy bill that balances conservation and production?

I will close with the argument relative to those who seem to have a little difficulty with the issue of opening up the Coastal Plain. I will give some idea of the vastness of the area.

Many people in this body have not chosen to take advantage of opportunities to visit the area for themselves. ANWR happens to be about the size of the State of South Carolina. It is about 19 million acres. The House bill allows 2,000 acres to be utilized for development and exploration; 2,000 acres is not much bigger than a small farm, if one can somehow recognize we are talking about 2,000 acres out of 19 million acres.

What is the rest of ANWR? Madam President, 8.5 million acres have been put in wilderness in perpetuity, 9 million acres in refuge, and there is only 1.5 million acres left that only Congress has the authority to open.

In the House bill, only 2,000 acres can have the footprint of development only. Is that responsible? We think it is. Can it be opened safely? We have had 30 years experience in Prudhoe Bay. Prudhoe Bay has developed 13 billion barrels of oil. It was only supposed to develop 10 billion barrels of oil. It has provided the Nation with 25 percent of its total crude oil supply for the last 27 years.

People say ANWR contains a 6-month supply. That is assuming there is no other oil produced in this country and no other oil imported. If, indeed, ANWR is in the range of estimates of 5.6 billion to 16 billion barrels, it would

replace what we would import from Saudi Arabia in 30 years or Iraq in 50 years. It would be very substantial.

The merits of whether we can do this safely, the merits of the arguments of some of America's extreme environmental communities that have used this issue, very frankly, as a cash cow—and they have milked it for all they can and will continue to do so until we eventually authorize the opening of it and they can move on to something else—because this issue is so far away, the American people cannot see the reality of ANWR for themselves. That, indeed, we have the technology to open the area safely.

Recognize the experience we have had in the Arctic over the last 30 years. We built ice roads. We do not develop when the migratory path of the caribou are involved. The potential of the area is very large. If there isn't the oil we expect there to be, we can make a park out of it.

For us not to have knowledge of what is in there at a time when we are increasing our dependence on the Mideast is unconscionable to me.

There are other issues that enter into this, such as our relationship with Canada. Canada considers us a competitor, and there is nothing wrong with competition. Nevertheless, their view of the world is we should not develop any more resources out of Alaska because it competes with theirs in the Canadian Arctic. I can understand that.

As to the growth of the caribou herds in the Prudhoe Bay field, there were 3,000 to 4,000 animals, and now they have close to 26,000 animals in the Prudhoe Bay area. You cannot shoot them.

The Washington Post ran articles depicting polar bears. It is interesting because the pictures—and this is yesterday's Washington Post article—shows a couple of polar bears. When one reads this, one assumes this is in the 1002 area. This is a little east of Barrow. It is not in the 1002 area. We have certification from the photographer who took these pictures that it is not in the 1002 area. But it is a warm, cuddly issue, and people look at polar bears.

The article does not tell you that these polar bears are protected. They are marine mammals. If one wants to take a trophy polar bear, one can go to Canada and shoot it, or one can go to Russia and shoot it, but one cannot in the United States, in Alaska, shoot a polar bear.

I do not know a better way to protect the polar bear than protecting them from traditional trophy hunting. We have taken steps to try and be responsible relative to development in this fragile area. We have the technology to do it right.

Some people say: That is academic, Senator MURKOWSKI, because we are looking at 7 to 10 years before development is complete. If we built the Pentagon in 18 months and the Empire State Building in a little over a year, and this body expedited the permitting

process—we already have a pipeline halfway from the trans-Alaska 800-mile pipeline over to the 1002 area. It ends in a field called Badami. We only have another 40 to 50 miles to go. We can have oil flowing in 18 months. There is absolutely no question about it.

The arguments being used are the same arguments that were used in the late sixties opposing the opening of Prudhoe Bay. They are exactly the same. Only then they said: You are going to run an 800-mile pipeline from the Arctic to southern ports of Alaska, and it is going to be like a fence. The caribou and moose are not going to be able to cross, it is going to break and notwithstanding earthquakes. It is one of the engineering wonders of the world, and it has provided jobs in this country.

I am going to finish with one point, and that is the stimulus. We are talking about a stimulus in this Nation. What does a stimulus mean? It means different things to different people. To some it means jobs; to others it means tax relief. I defy any Member of this body to tell me a stimulus that is more meaningful than authorizing the opening of ANWR because what it would do is it would provide hundreds of thousands of jobs. Not government jobs, private sector jobs in shipbuilding, in developing pipes and valves. It would start immediately. This would come from the private sector in exploration, and those ships would be U.S. ships built in U.S. yards.

What else would it do, Madam President? It would result in the Federal Government getting probably \$1.6 billion in revenue immediately in lease sales because it is Federal land. The Federal Government puts it up for lease, competitive bids. The estimate of the Federal share is roughly in that area. That is a pretty good return to the Federal Government to start out.

The last thing, as we look at this stimulus package, you are not going to find anything in it except potentially ANWR which is not going to cost the Federal Government one red cent. I challenge my colleagues to find another project which would provide such a major economic stimulus without costing the taxpayers money, and indeed bringing significant revenue into the treasury.

I rest my case. I thank the Chair for her attention and wish her and all a happy Halloween.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, will the Senator from Alaska yield for a question? I want to get this straight. Right now when we buy oil from foreign countries, the royalties, the labor, the pipes, and all the construction and drilling, all the economic investment is in those foreign countries; is that correct?

Mr. MURKOWSKI. Absolutely.

Mr. SESSIONS. But if we were to open ANWR, the Federal Government, just from the sale of the leases, would receive \$1.6 billion?

Mr. MURKOWSKI. It is estimated the lease sale would bring the Federal Government about \$1.6 billion in revenue. It may be more. Nobody knows because industry would competitively bid it.

Mr. SESSIONS. Would there be royalties paid each year after that during production?

Mr. MURKOWSKI. Yes.

Mr. SESSIONS. If there is production, the Federal Government would receive additional royalties?

Mr. MURKOWSKI. That is correct.

Mr. SESSIONS. Would the State of Alaska benefit from that?

Mr. MURKOWSKI. Yes, obviously. I also want to point out that a sizable percentage of our deficit balance of payments, as the Senator knows, is the cost of imported oil.

Mr. SESSIONS. And the workers even in Alaska are supposed to pay Federal income tax.

Mr. MURKOWSKI. They do pay Federal income tax. They are all American citizens, and they are subject to the same laws as the Senator from Alabama and I.

Mr. SESSIONS. Instead of having workers in Saudi Arabia paying taxes to Saudi Arabia, Iraq, or Iran, they would be paying taxes to the U.S. Government.

Mr. MURKOWSKI. Absolutely. This would be all U.S. labor. There would be a prohibition on any of the oil that comes from ANWR being exported out of the United States.

Mr. SESSIONS. I know there are people who have become emotionally committed to this ANWR issue. I hope people will rethink it. As the Senator from Alaska has explained repeatedly, we have such a small area that needs to be produced, and wells are so much more sophisticated today. One well can drain a much larger area than ever before. There is a virtual pipeline there. That is important. The Senator mentioned a threat from foreign dependence.

Was it not just a few years ago the price of oil per barrel on the world market was around \$13 and the cartel, since they had so much of the oil, fixed the price and drove it up to as high as \$30 a barrel?

Mr. MURKOWSKI. It was a little over \$30. As a matter of fact, they basically came together and set a floor and a ceiling. The floor was \$22 and the ceiling was \$25. If it goes up above that, that is fine for awhile. Then they increase production and bring it down.

Of course, what has happened with this terrorist activity is less jet fuel is used, less automobile gasoline. So we temporarily have a surplus and we are seeing that, but now OPEC is reducing their supply.

Mr. SESSIONS. I guess the point is, these are supposedly our friends who triple the price we have to pay for oil. We have to pay three times as much money to foreign sources, and we get no more oil than we did the day before they drove it up?

Mr. MURKOWSKI. That is true.

Mr. SESSIONS. If they can do that, if they are friends, if we were to have

some turnover in government or a war were to break out that could deny some of this, we could see prices even higher than that on the world market?

Mr. MURKOWSKI. Absolutely. There is one other point that is obvious to the Senator and to me, but it is overlooked by some, and that is we have other sources of energy. We have natural gas. We have coal. We have biomass. We have wind power, solar power. But because of our technology, America and the world moves on oil. It is put in airplanes. It is put in boats. It is put in trains, automobiles. For the foreseeable future, we are evidently unlikely to find any significant replacement for oil. So that is why we have become so dependent and our vulnerability, to the extent of our national security, is at risk, as our veterans are pointing out.

Mr. SESSIONS. Of course, the Senator is not overlooking conservation. That is another way to reduce dependence on foreign oil.

Mr. MURKOWSKI. Absolutely.

Mr. SESSIONS. That is a big part of this bill that the Senator proposed.

I again want to express my appreciation to the Senator. I came to the Senate 5 years ago and heard the Senator delineate this problem and tell us over and over again what we were going to be facing in the future. I think the events in recent weeks have validated the Senator's warnings, the Senator's caution to America, the Senator's call for us to do the smart thing.

I also believe if we can produce more oil at home, it would reduce our deficit and help this economy recovery.

Mr. MURKOWSKI. As the Senate knows, symbolism is so significant. If we were to make a decision to allow the opening of this particular area, we would send a signal to OPEC that we mean business, that we are serious about reducing our dependence. We are not going to replace dependence, but we can reduce it dramatically by a conscientious effort to keep these jobs at home, and, as we both know, the economic forecast suggests there could be significant growing concern over loss of jobs and this is the most significant single identifiable project to create jobs that anybody has been able to pinpoint that does not cost the Government any money or the taxpayer.

Mr. SESSIONS. I will ask one more question. The Senator has challenged us now to name one more project anywhere in this country that will produce as much stimulus as increasing our domestic oil supply as this bill will do, and I think it is a challenge that ought to stay out there and we ought to see if somebody can meet it. Not only will it help us, it will actually produce income and not cost us any money.

Mr. MURKOWSKI. I certainly would challenge any Member to come up with a stimulus that would provide jobs, not cost the American taxpayer anything, and indeed bring revenue into the coffers. I thank my good friend and wish him a good day.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators allowed to speak therein for up to 5 minutes each.

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

## AIRLINE SAFETY

Mr. HOLLINGS. Madam President, we are fiddling while Rome burns. The headline in this morning's Washington Post, "Airport Security Crackdown Ordered," particularly galls this Senator. I have been with the FAA since its creation. I have been on the Commerce Committee for right at 35 years. I worked with the old Civil Aeronautics Board. We tried our best to get this entity in ship shape over many years.

It was only the year before last that we finally got the monies that should have gone to airport safety and improvement to go to airport safety and improvement.

We had, in 1988, Pan Am 103. We had extensive hearings. And what did we come up with? What we came up with is exactly what they write in the editorial here, that what we really need is more training and more supervision—"help wanted." And then we had further hijackings.

We had the TWA Flight 800 in 1996, and we had further hearings. We had the Gore commission. What did they recommend? The same old, same old of more training and more supervision, more oversight. Got to get stern about this. Crackdowns.

Last year, we passed the FAA authorization bill. And what did we call for? We called for more supervision, more training, and then 5,000 people were killed. And we have folks over on the House side, most respectfully, who do not understand that we have lost these 5,000. Terrorists came along with cardboard knives and committed mass murder, and everything else like that, but they say don't worry about what happened on 9-11.

What happened just this last week? Last week, a man boarded a plane with a pistol down in New Orleans. The individual remembered he had the gun and said: Oh, my heavens. Then he turned it over to the airline crew, or otherwise. And the same airline security firm that was fined last year in Philadelphia for hiring criminals is still hiring criminals.

The Senate reacted. We got together. We had hearings. We had the airline pilots, the airline crews, the assistants, the airline executives—everyone connected—and they endorsed the approach of federalization; that this was a public safety role, need and responsibility. This coalition determined resolutely that we could not toy with this anymore after that tremendous loss on 9-11 and continue to play games with more oversight and more supervision and more training.

And ordering crackdowns: Can you imagine that, ordering a crackdown 7 weeks afterwards? Why not that afternoon, that night, or the next morning? A crackdown? Oh, no, they had to think of the airlines first, while the airlines themselves are begging for safety because they realize that ensuring passenger safety is essential to reviving the industry. The Senate passed our bill 100-0; every Republican, every Democrat voted for it. Our measure is, more than anything, an airline stimulus bill.

Americans are not going to get on these planes as long as there is fear, and we have the insecurity that we have. They are not going to get on the planes as long as they have U.S. Air Force planes flying over them ready to shoot them down.

With our bill that stops immediately. Once you secure that cockpit door, not to be opened in flight, there is no reason for hijackings because you can't.

All you can do is start a fight in the cabin, knowing that the order to the pilot is to land at the nearest airport where law enforcement is going to be there and you are going to prison. That is the Israeli El Al approach. We outlined it. We provided the diagram for the El Al plan that I still have. If I had time this morning, I would show it. It is a perimeter defense. In 30 years El Al has not had a hijacking.

Don't talk to me about European private airport security. Sure, European security personnel is better paid because all the European folks are supported for retirement and health care. These minimum wage folks have no retirement, no health care, no security, no anything. And the security firms are worried that they may quit. They all are quitting. That has been the experience at the Hartsfield airport in Atlanta. There has been over 400-percent turnover there. They don't stay there longer than 3 months.

Yet the opposition to real airport security has stories going around. The reason I came to the floor is to again bring attention to the commonsensical, thorough, and bipartisan fashion with which the Senate approached airline security. They are still talking about the Democratic bill on the House side. You can't get it any more bipartisan unless we are going to let the pages vote. Maybe we ought to do that. I mean, can't we get the truth to the American people that we are ready, willing, able, and glad to pay for it, \$2.50 per flight? The polls show people would be willing to pay \$25 added to a ticket, glad to do it. But we can take care of it with \$2.50 so there is no question about being paid for.

The fundamentals of safety have to be hammered home to our colleagues on the House side. We are not playing games anymore. No one wants to contract out the FBI. I wonder what the President wants? We were told a month ago that the President would go along with our bill. We felt absolutely secure. But they have some political machina-

tions going on over there with Mr. ARMEY and Mr. DELAY. And Mr. ARMEY says: I don't want them all to join a union. Well, they all can join the unions under the private contractor. In fact, a third of them have. The reason the other two-thirds have not, is they can't read the application in order to join. They are refugees and immigrants. The application is in English. Go ahead to the airports. I go through there regularly, almost every week. They just cannot speak the language. That is no fault of their own. They are getting what jobs they can. But we can't do this with Americans' and the airline travelers' safety at risk.

We would not contract out the Capitol Police or the Border Patrol or the Secret Service or the FBI or defense. What is the matter with the Government? You just heard about a bill—all the defense workers at the Charleston naval shipyard, all the "navalees" belong to a union. You just heard the majority leader talk about laying down to conservative interests. I am not talking pro-union or anti-union. I am saying federal public safety officers cannot strike and they can be fired. This particular Senator supported President Reagan when he had to take that approach with the airline pilots. But we fiddle while Rome burns.

Would we ever not just contract out? Would we ever give our safety to foreign corporations? Can you imagine taking the defense and contracting it out, or the FBI, to the Swedish company or the Secret Service to the Netherlands company? These are the firms responsible for airline security now. The airlines get the lowest bidder, and they couldn't care less.

That English company, they were fined for hiring criminals and falsifying their background checks. And since the time of the court fines, they have continued to hire criminals and not give the background checks. Yet they say: Well, let's see what they want. Let's get flexibility. You aren't going to have flexibility with the FBI or Secret Service or the Capitol Police. There is not flexibility. It is safety. That is what they have to understand over there, that we are not going to give it to the foreign companies.

We are not going to have the momentary safety checks or the European system. We are going to have the El Al, the Israeli system that has worked, proof positive, for 30 years. Once you secure that cockpit and they know there can't be a hijacking, you can take all these F-15s and F-16s and National Guard reserves that are flying all night long over Washington and New York and wherever and say: Save the money and save the time. Let them go back to their work. There is not going to be a hijacking. There is not going to be a plane shot down. If there is an attempted hijacking, it is down to the first landing and on to jail. That is where they are headed. They know that. So our terrorist adversaries will find some other way, like the mail and anthrax, but not the airlines.

Security has to be comprehensive. Under El Al, they check thoroughly and rotate the screeners from the boarding gates, to the tarmac and to cleaning out the aisles.

I flew out of Dulles last week. And what do you do? You get seat 9A. So I can call out to my friend who has been working on the tarmac for the last 2 years who is in cahoots with me as a terrorist. I say: Paste a pistol underneath seat 9A, loaded. I get on. I got through all the screeners and everything else. And afterwards, they wonder why, because you have to have the same kind of security on the tarmac. You have to have the same security for the people who cater. You have to have the same security with the people who clean. This is a safety/security responsibility and not a game of playing around on whether they are going to join a union or not.

A third of airline security workers join unions now and have the right to strike. Yes, they can join our union, but they can't strike and they can be fired.

On contracting out, 669,000 civilian personnel work in our defense forces and at the Pentagon. Some of them were lost on September 11. Give us a Senate bill or something very similar to it because that is the overwhelming sentiment. The captain of the airline pilots appeared with us again yesterday and said: Please pass the Senate version so we can get on and move with it and get the cockpit doors secured, get thorough background checks, and then be ready, willing, and able to give the watch list to the screeners so they will know what to look for.

At the present time, you wouldn't give the watch list to these foreign companies, agents at minimum wage. You wouldn't give it to them. You would try to keep that security knowledge to yourself and send somebody out. If I had a watch list and was trying, I would have an FBI agent at the likely airports where they may board, but I wouldn't give it to the present screeners. We have to clean that out entirely and come down to the reality that this is totally bipartisan. It is not in the sense of trying to be pro-labor or anti-union, pro-Democrat or pro-Republican, or anything else like that.

We have finally learned at least one lesson from 9-11—that we can't play

around any longer with airline security. We have to get on with it and not fiddle here some 7 weeks as "Rome" burns, and we wonder what to do and put all this political pressure on to change the folks around and not bring it up and not allow them to vote common sense.

I yield the floor.

### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 6, 2001, in Monmouth County, NJ. Seven people were sentenced on multiple counts, including aggravated assault and harassment by bias intimidation under the state law, for assaulting a 23-year-old learning-disabled man with hearing and speech impediments. The victim was lured to a party, bound, and physically and verbally assaulted for three hours. Later, he was taken to a wooded area where the torture continued until he was able to escape.

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.

### CBO COST ESTIMATE

Mr. KENNEDY. Madam President, on October 11, 2001, I filed Report No. 107-83 to accompany S. 1533, a bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes. At the time the report was filed, the estimate by the Congressional Budget Office was not available. I ask unani-

mous consent that a copy of the CBO estimate be printed in the RECORD.

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

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### S. 1533.—HEALTH CARE SAFETY NET AMENDMENTS OF 2001

Summary: S. 1533 would extend expiring provisions and authorizations for appropriations in title III of the Public Health Service Act (PHSA). The bill would reauthorize and expand the Health Centers and National Health Service Corps programs, and establish the Community Access Program in statute. It also would create several new grant programs and demonstrations. The provisions in this bill would be administered by the Health Resources and Services Administration (HRSA).

Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 1533 would cost about \$1 billion in 2002 and between \$8 billion and \$9 billion over the 2002-2006 period.

The bill would increase spending by the Medicare program for rural health clinic services, and reduce Medicaid spending for certain beneficiaries who use those clinics. In total, direct spending would increase by \$146 million over the 2002-2011 period. Because enacting S. 1533 would affect direct spending, pay-as-you-go procedures would apply.

S. 1533 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the mandate would not affect the budgets of state, local, or tribal governments. Those governments may also benefit either directly or indirectly from some of the grant programs authorized in the bill, but their participation in those programs would be voluntary. S. 1533 contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1533 is shown in the following table. For the purposes of this estimate, CBO assumes that the bill will be enacted this fall and that the necessary appropriations will be provided for each fiscal year. The table summarizes the budgetary impact on discretionary spending of the legislation under two different sets of assumptions. In cases where the bill would authorize the appropriation of such sums as may be necessary, the first set of figures provides the estimated levels of authorizations assuming annual adjustments for anticipated inflation after fiscal year 2002. The second set of assumptions does not include any such inflation adjustments. The costs of this legislation would fall within budget functions 550 (health) and 570 (Medicare).

By fiscal year, in millions of dollars

	2001	2002	2003	2004	2005	2006
<b>SPENDING SUBJECT TO APPROPRIATION</b>						
<b>With Adjustments for Inflation</b>						
Spending Under Current Law:						
Budget Authority*	1,513	0	0	0	0	0
Estimated Outlays	1,368	662	60	7	0	0
Proposed Changes:						
Estimated Authorization Level	0	1,887	1,878	1,914	1,953	1,989
Estimated Outlays	0	1,004	1,776	1,886	1,923	1,961
Spending Under S. 1533:						
Estimated Authorization Level	1,513	1,887	1,878	1,914	1,953	1,989
Estimated Outlays	1,368	1,665	1,835	1,893	1,923	1,961
<b>Without Adjustments for Inflation</b>						
Spending Under Current Law:						
Budget Authority*	1,513	0	0	0	0	0
Estimated Outlays	1,368	662	60	7	0	0
Proposed Changes:						
Estimated Authorization Level	0	1,887	1,836	1,834	1,833	1,833
Estimated Outlays	0	1,003	1,753	1,826	1,824	1,825

	By fiscal year, in millions of dollars					
	2001	2002	2003	2004	2005	2006
Spending Under S. 1533:						
Estimated Authorization Level .....	1,513	1,887	1,836	1,834	1,833	1,833
Estimated Outlays .....	1,368	1,665	1,813	1,832	1,824	1,825
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority <sup>a</sup> .....	0	9	15	15	15	15
Estimated Outlays .....	0	9	15	15	15	15

<sup>a</sup> The 2001 level includes the amount appropriated for that year for the programs.

#### Basis of Estimate:

##### SPENDING SUBJECT TO APPROPRIATIONS

##### Title I: Consolidated Health Center Program

S. 1533 would reauthorize and expand the scope of the consolidated health centers program, which provides grants to entities that provide health care and other services to uninsured and underinsured populations. S. 1533 contains two new provisions: It would authorize the use of up to 5 percent of authorized funds for grants to health centers or networks for the construction and modernization of buildings, and it would permit HRSA to guarantee the refinancing of non-federal loans by health centers. The costs of these additional activities would be subsumed in the general authorization of appropriations for the health center program, which is \$1,379 million in 2002 and such sums as necessary for 2003–2006. The bill also would establish a linguistic grant program, which would award grants to health centers for the provision of translation and interpretation services for clients for whom English is a second language. The bill would authorize the appropriation of \$10 million for that grant program in 2002, and then such sums as

necessary each year until 2006. CBO estimates that outlays for these programs would be \$745 million in 2002 and \$6.4 billion during the 2002–2006 period, assuming appropriation of the necessary funds.

##### Title II: Rural health

Rural Health Grants. S. 1533 would reauthorize several grant programs administered through the Office of Rural Health Policy within HRSA: health care services outreach, health network development, and small provider quality improvement grants. The bill would not substantially change the activities of the existing program. The bill would authorize \$40 million in 2002 and such sums as necessary in subsequent years through 2006. (The 2002 authorization level is less than the 2001 appropriation level, which included a one-time appropriation of \$18 million for a special project.) Based on past spending for these activities, CBO estimates that this provision would cost \$12 million in 2002 and \$164 million during the 2002–2006 period.

Telehealth Grant Consolidation. S. 1533 would create a new section in the Public Health Service Act for this established pro-

gram. The bill would authorize appropriations for telehealth network grants as well as for telehealth resource centers grants. Telehealth refers to health information and services that are communicated via telecommunications technologies. Telehealth network grants are provided to entities to expand access to services, to train providers, and to improve access to health care information. Grants to telehealth centers may fund projects that demonstrate the uses of telehealth technologies. The bill stipulates that not less than 50 percent of funds for grants for networks shall be awarded to entities in rural areas, and that the total funds awarded for network grants in 2002 may not be less than the total awarded for such grants in fiscal year 2001. S. 1533 would authorize the appropriation of \$60 million in 2002 (compared to the \$36 million appropriated in 2001) and then such sums as necessary through 2006. CBO estimates that outlays for this program would be \$19 million in 2002 and \$245 million over the 2002–2006 period, assuming appropriation of the necessary funds.

TABLE 2.—APPROPRIATIONS FOR FISCAL YEAR 2001 AND AMOUNTS AUTHORIZED IN S. 1533 ASSUMING ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars					
	2001 <sup>a</sup>	2002	2003	2004	2005	2006
Title I: Health Centers .....	1,164	1,379	1,410	1,440	1,469	1,496
Title II:						
Rural Health Grants .....	58	40	41	42	43	43
Telehealth Grants .....	36	60	61	63	64	65
Telehomecare Demonstration .....	0	4	2	b	b	b
Emergency Medical Services Grants .....	0	1	1	1	1	1
Mental Health Services Demonstration .....	0	20	20	21	21	22
School-Based Health Networks .....	0	5	5	5	5	5
Title III:						
National Health Service Corps .....	130	202	207	211	216	220
Chiropractor and Pharmacist Demonstration .....	0	1	1	1	0	0
Title IV:						
Community Access Program .....	125	125	128	130	133	136
Primary Dental Programs .....	0	50	0	0	0	0
Title <sup>b</sup> .....	1,513	1,887	1,878	1,914	1,953	1,989

<sup>a</sup> The 2001 level includes the amount appropriated for that year for the programs.

<sup>b</sup> Total includes Title VI study, with budget authority estimated at less than \$500,000.

Telehomecare Demonstration Project. S. 1533 would authorize a demonstration project for the provision of telehomecare services for residents of rural areas. Telehomecare means the provision of health services by providers at a distant site to patients in the home via telemedicine technology. The bill would limit the number of grants to five entities and would fund grantees for no more than three years. The Office for the Advancement of Telehealth within HRSA currently funds a dozen grants to home health agencies, so this demonstration would not represent a substantially new activity for the administration. The bill also would require HRSA to submit an interim and final report to the Congress describing the results of the demonstration. Based on historical patterns of spending for similar activities, CBO estimates the cost of this demonstration would be \$4 million in 2002 and \$7 million over the 2002–2006 period.

Rural Emergency Medical Services Program. S. 1533 would establish a program of grants, primarily to state and local entities, to pay up to 75 percent of the cost of recruiting and training emergency medical service

(EMS) personnel in rural areas. It would authorize the appropriation of such sums as may be necessary for 2002 through 2006. The bill also would authorize grants for the acquisition of emergency medical equipment and for EMS training programs for the public. Based on information from HRSA staff about participation in similar programs, CBO assumes that about 20 states would participate in any given year. CBO estimates the cost of implementing this program would be about \$1 million in 2002 and \$6 million during the 2002–2006 period, assuming appropriation of the necessary funds.

Mental Health Services via Telehealth Grants. The bill would create a demonstration program to award grants to entities for the development of telehealth networks for the provision of mental health education and services in areas designated as mental health underserved areas. The grants would be directed to nursing homes and schools, with grants to be used for education about mental health issues, for the provision of mental health services, and for collaborative and other purposes. HRSA currently oversees more than 25 such grants. Appropriations at

the authorized levels, which are \$20 million in 2002 and such sums as necessary through 2006, would allow for 50 to 60 grants of similar size. Assuming appropriation of the authorized amounts, CBO estimates that outlays for this demonstration project would be about \$7 million in 2002 and \$93 million over the 2002–2006 period.

School-based Health Center Networks. S. 1523 would establish a new program to award grants to nonprofit organizations for the creation of state-wide technical assistance centers and for other purposes. The bill would authorize the appropriation of \$5 million in 2002 and such sums as may be necessary for 2003–2006. Based on historical spending patterns for similar activities, CBO estimates this program would cost \$2 million in 2002 and \$23 million over the 2002–2006 period.

##### Title III: National Health Service Corps

S. 1533 would reauthorize the National Health Service Corps (NHSC) field, recruitment, and state loan repayment programs. The field and recruitment programs support activities to identify the health professional



needs of underserved communities and to recruit and support providers in those communities. The state loan repayment program provides federal matching funds to state programs that repay the educational debts of health care providers practicing in underserved communities.

The bill would add new authority to the field program to establish a demonstration project to create a program of part-time corps members. The bill would allow the Secretary to change both the methodology and process of designating health professional shortage areas (HPSAs) and would instruct the Secretary to develop a plan to increase participation by dental health providers in the scholarship and loan repayment programs.

S. 1533 would authorize such sums as necessary for 2002–2006 for the field program, \$146 million in 2002 and such sums as necessary through 2006 for the recruitment program, and \$12 million in 2002 and such sums as may be necessary through 2006 for the state loan repayment program. While the authorization of appropriations for the recruitment program is substantially larger than the appropriation for fiscal year 2001, the demand for corps members in the community is strong. CBO assumes that the NHSC will be able to spend the proposed appropriations at current rates. The authorizations for the field and state loan repayment programs are not substantially larger than 2001 appropriation levels, and we therefore assume that the programs will spend funds at current rates. CBO estimates spending to implement all three programs would total \$109 million in 2002 and \$941 million during the 2002–2006 period, assuming appropriation of the necessary funds.

The bill would also establish a demonstration project that would allow chiropractors and pharmacists to participate in the NHSC loan repayment program. The determination of a HPSA would not be affected by the inclusion of these providers. The demonstration would be authorized for three years at such sums as may be necessary. Based on information from experts at HRSA and spending for similar activities within the NHSC

loan repayment program, CBO estimates the demonstration would cost less than \$500,000 in 2002 and about \$3 million over the 2002–2004 period.

#### *Title IV: Healthy Communities Access Program*

Community Access Program. S. 1533 would establish in statute the community access program (CAP), which has been funded since 1999. The program awards grants to consortiums to improve the efficiency, effectiveness, and the coordination of health services to uninsured and underinsured in their community. The bill would authorize the appropriation of \$125 million for fiscal year 2002, and such sums as may be necessary for the subsequent four years. CBO estimates this provision would result in outlays of \$94 million in 2002 and \$613 million over the 2002–2006 period, assuming appropriation of the necessary funds.

Primary Dental Programs. S. 1533 would authorize the appropriation of \$50 million in 2002 to be available for five years, for the development of a grant program to be administered by HRSA to respond to states' dental workforce needs. The grants would provide federal matching funds to state programs for loan forgiveness, recruitment, practice expansion, dental residency programs, and for other purposes. The estimated cost of implementing this program is \$10 million in 2002 and \$50 million over the 2002–2006 period.

#### *Title VI: Study*

S. 1533 would require the Secretary of Health and Human Services to conduct a study to determine the ability of the department to provide for solvency for managed care networks whose member organizations are health centers receiving funds from the Consolidated Health Centers Program. The bill would direct the Secretary to submit a report to the Congress detailing the results of the study. CBO estimates the cost of implementing this provision would be less than \$500,000 in 2002 and 2003.

#### DIRECT SPENDING EFFECTS—RURAL HEALTH CLINICS

Under current law, Medicare beneficiaries must pay for the first \$100 of the Part B services before the Medicare program will begin

paying for such services. The bill would exempt certain low-income beneficiaries from the requirement that they satisfy that deductible before Medicare will pay for services furnished by a rural health clinic (RHC) at which a NHSC member is assigned. The proposal would affect Medicare spending for eligible patients of rural health clinics who receive nearly all of their Part B services from those clinics. (Medicare spending would not be affected for those beneficiaries who also receive at least \$100 in Part B services from other providers.) CBO estimates that this provision would eliminate the deductible in calendar year 2002 for about 200,000 low-income beneficiaries who receive nearly all of their Part B services from qualifying RHCs.

Increasing Medicare spending to pay for the deductible for those beneficiaries would also have other effects on spending by the Medicare and Medicaid programs. Annual increases in payment rates for Medicare+Choice plans are tied to increases in per-capita spending in the fee-for-service sector, so this provision would increase payments to Medicare+Choice plans. Part B premiums would also rise, so about one-quarter of the increase in Medicare spending would be offset by higher premium receipts. Medicaid spending would be reduced because Medicaid would not have to pay the Medicare deductible for some patients at RHCs who are enrolled in both programs, although some of those savings would be offset by higher Medicaid spending for Part B premiums. Taking all those interactions into account, CBO estimates the provision would increase federal direct spending by \$9 million in 2011 and by \$146 million over the 2002–2011 period.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The following table displays CBO's estimate of the direct spending effects of S. 1533. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

	By fiscal year, in millions of dollars									
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Change in Outlays .....	9	15	15	15	15	15	15	15	16	16
Change in Revenues .....						Not applicable				

Estimated impact on State, local, and tribal governments: S. 1533 would preempt state laws governing statutes of limitations for cases against individuals who have breached their contracts under the National Health Services Corps program. This preemption would be an intergovernmental mandate as defined in UMRA. However, CBO estimates that the preemption would not affect the budgets of state, local, or tribal governments because, while it would limit the application of state law, it would impose no duty on states that would result in additional spending.

The bill also would authorize a number of grant programs that could either directly or indirectly benefit state, local, or tribal governments through increased assistance for a variety of community and rural health programs. In some cases, those governments may be required to provide matching funds for the federal assistance, but their participation in the programs would be voluntary.

Estimated impact on the private sector: The bill contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Alexis Ahlstrom (226-9010). Impact on State, Local, and Tribal Governments: Leo Lex (225-3220).

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

OCTOBER 17, 2001.

HON. EDWARD M. KENNEDY;

*Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1533, the Health Care Safety Net Amendments of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Alexis Ahlstrom, who can be reached at 226-9010.

Sincerely,

DAN L. CRIPPEN.

Enclosure.

#### PRESIDENT BUSH'S STATEMENT ON NATIONAL ARTS AND HUMANITIES MONTH

MR. KENNEDY. Madam President, it is a privilege to take this opportunity to commend the efforts of artists and cultural organizations across the country during this difficult time. October

has been National Arts and Humanities Month, and this year, in communities across the country, artists have participated in numerous public programs and performances to help families cope with the concerns they have.

In Boston, musicians from the Boston Symphony joined in a poignant tribute to the victims of the World Trade Center attack. Here in Washington, the Kennedy Center hosted the "Concert for America." So, too, in other cities across the country, performing artists have donated their time and their talent to raise funds to support those who have suffered the most because of the terrorist attacks, and to help with the healing process for all Americans who share their sense of grief and loss.

The arts represent the highest levels of human achievement. They give expression to the deepest human emotions, and they are an indispensable part of the Nation's recovery and future strength.

Last week, President Bush issued a strong statement commemorating National Arts and Humanities Month and acknowledging the special role of the arts in these challenging times. I commend the President for his eloquent statement, and I ask unanimous consent that it may be printed in the RECORD.

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

THE WHITE HOUSE,  
Washington, October 25, 2001.

I am pleased to join my fellow Americans in observing National Arts and Humanities Month in October.

The arts and humanities enrich our lives, inspire our hearts and minds, and help us to view the world from a different perspective. Capturing the diversity and richness of human experience, they allow us to explore ideas and emotions and to better understand our history, culture, and beliefs. The study and appreciation of the arts and humanities serve as both a unifying force in society and as a vehicle for individual expression.

During these extraordinary times, the arts and humanities have provided means for coping and healing in the face of tragedy. Since the September 11 attacks, individuals and groups throughout our country have joined together to celebrate their patriotism by proudly singing "The Star-Spangled Banner" and "God Bless America." Others have expressed their grief by creating visual or written tributes to those who lost their lives. People of all ages have documented their personal experiences, firsthand knowledge, and impressions of recent events to create a lasting historical record for future generations.

These varied activities point to the vital importance of the arts and humanities in maintaining a vibrant society and a strong democracy. During National Arts and Humanities Month, I encourage all Americans to reflect on the contributions of these creative and intellectual traditions to our quality of life, and to participate in activities that celebrate the spirit of our Nation and our love for freedom, justice, and peace.

Best wishes on this special occasion.

GEORGE W. BUSH.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SERGEANT MAJOR BENCESLADO RAEI UPON HIS RETIREMENT

• Mr. DOMENICI. Mr. President, I rise today to pay tribute to a fellow New Mexican who is retiring after 32 years of dedicated service with the United States Air Force and the New Mexico Army National Guard. Sergeant Major Benceslado "Ben" Rael has made duty, honor and service the hallmarks of his career and is a shining example of a true American patriot.

Ben was born in Truchas, NM in 1941 and graduated from St. Michael's High School in 1960; he also received his A.A. from Wilber Wright College in 1973. Upon joining the Air Force, he immediately made an impact as a recruiting and retention specialist where he helped countless young people find a confidence and self-esteem building career in the United States Armed Forces.

Ben's skills in recruiting did not go unnoticed. Upon joining the New Mexico Army National Guard, Ben was assigned the position of Vice Chairman of the Guard's National Recruiting and Retention advisory Council. Again, Ben showed himself to be a tremendous asset in keeping the National Guard vibrant in New Mexico.

Ben has made all of New Mexico proud, and in tribute, Governor Johnson has proclaimed October 31, 2001 as "Sergeant Major Benceslado Rael Day." I want to take this opportunity to join with the Governor, and indeed with all New Mexicans, in saluting Ben on a job well done and in wishing him many years of happiness in his retirement.●

##### IN RECOGNITION OF THE EXPANSION OF YOUNG ISRAEL OF OAK PARK, MI

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Young Israel congregation of Oak Park, MI, on completion of recent expansion of the synagogue's facilities. Since 1954, Young Israel has been serving the spiritual needs of its congregation as well as the community at large.

From its humble beginnings, Young Israel of Oak Park has grown to become the largest Orthodox Jewish congregation in the State of Michigan. Originally founded as Young Israel of Oak-Woods, the temple served the communities of Oak Park and Huntington Woods. Six years later, Young Israel of Greenfield opened its doors in the adjoining community. For over a quarter century, the two temples offered a sanctuary where the respective congregations could meet.

Then in 1997, in response to changing demographics and a desire to better serve their neighborhoods, the temples merged to create Young Israel of Oak Park. Soon after the merger, they embarked on an ambitious expansion project to provide more opportunity for communal celebration and prayer. In June of this year, the synagogue's stunning new sanctuary and social hall were completed.

Today's congregation is not only a center of Torah study, but also a forum where young and old, rich and poor, come together to share their beliefs, desires, and fears. At the same time, the temple plays a central role in maintaining the stability and vitality of the Orthodox Jewish population of South East Michigan.

For nearly 50 years, the Young Israel congregation has been a spiritual and social home for many in Michigan's Orthodox Jewish community. I trust that my Senate colleagues will join me in congratulating Young Israel of Oak Park on nearly a half century of growth and wish them the best in the coming years.●

##### UNITED STEELWORKERS OF AMERICA OPPOSITION TO ANWR DRILLING

• Mr. WELLSTONE. Mr. President, I ask that a statement by David Foster of the United Steelworkers of America be printed in the RECORD.

The statement follows:

##### OPPOSITION TO DRILLING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

Intelligent approaches to energy development are needed at a time when energy security, economic development, and environmental protection are more important than ever.

USWA District #11 represents thousands of workers in the Pacific Northwest's energy-intensive aluminum industry where 40% of the nation's aluminum capacity is located. The recent West Coast energy crisis that resulted in the shutdown of all ten of that region's aluminum smelters awakened our union to the need for a comprehensive energy policy based on sound environmental principles. We are currently working to help transition the industry to a cleaner, safer, and more dependable mix of energy sources that will help preserve industrial jobs in the United States and lead the industry toward energy self-sufficiency.

I believe that the best long-term solution to retaining aluminum jobs in the Northwest is 1) by reducing demand through energy efficiency and conservation, and 2) by increasing the supply of diversified energy sources including clean, renewable energy generated by wind, solar, and geothermal power. This combination would minimize the environmental impacts related to energy extraction and use, create good, family-wage jobs, and protect consumers from supply disruptions and price fluctuations.

Consequently, I am convinced that drilling for oil in the Arctic National Wildlife Refuge is not a sensible option. Rather, it is a short-sighted remedy that is unreliable, environmentally unsound, and fraught with economic shortcomings. As a better alternative, I would encourage the building of a new natural gas pipeline where existing supplies of natural gas can be captured.

In particular, I would recommend that the infrastructure for a gas pipeline be developed on the North Slope to bring to market gas currently being shunted back into the ground or flared off. A new Environmental Impact Statement must be completed prior to construction, and North American, rather than imported, steel should be utilized for the construction of the pipeline. This natural gas project would produce many times more jobs and be safer for workers than drilling in the Refuge, and would increase the supply of a cleaner and more valuable energy source, without posing severe threats to sensitive wildlife and tundra.●

##### WORLD POPULATION AWARENESS WEEK

• Mr. HOLLINGS. Mr. President, rapid population growth and urbanization place substantial pressure on the transportation, sanitation, health care, and education infrastructure in our country and throughout the world. It is important to recognize the impact that these forces have on our natural resources and our quality of life. I applaud Governor Hodges for proclaiming the week of October 21 to October 27 of this year as World Population Awareness Week in the great State of South Carolina.

I ask that his proclamation be printed in the RECORD.

The proclamation follows:

PROCLAMATION BY GOVERNOR JIM HODGES

Whereas, world population today exceeds 6.1 billion and is estimated to continue to increase by 1 billion every 13 years; and

Whereas, rapid population growth can have negative environmental, economic, and social consequences; and

Whereas, working to sustain an equitable balance between the world's population, environment, and resources contributes to combating poverty, improving maternal and child health, and ensuring the continued prosperity of our state and nation.

Now, therefore, I, Jim Hodges, Governor of the Great State of South Carolina, do hereby proclaim October 21–27, 2001, as World Population Awareness Week throughout the state and encourage all South Carolinians to work together to raise awareness of voluntary and responsible solutions to rapid population growth. •

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 483. An act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

H.R. 1776. An act to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

H.R. 2362. An act to establish the Benjamin Franklin Tercentenary Commission.

H.R. 2559. An act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

H.R. 2585. An act to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

H.R. 2910. An act to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building."

The message also announced that the House has agreed to the following con-

current resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 233. Concurrent resolution expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. WOLF, Mr. DELAY, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mrs. EMERSON, Mr. SWEENEY, Mr. YOUNG of Florida, Mr. SABO, Mr. OLVER, Mr. PASTOR, Ms. KILPATRICK, Mr. SERRANO, Mr. CLYBURN, and Mr. OBEY.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. BONILLA, Mr. WALSH, Mr. KINGSTON, Mr. NETHERCUTT, Mr. LATHAM, Mrs. EMERSON, Mr. GOODE, Mr. LAHOOD, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, Mr. HINCHEY, Mr. FARR of California, Mr. BOYD, and Mr. OBEY.

At 5:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee on conference of the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

#### MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 483. An act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; to the Committee on the Indian Affairs.

H.R. 1776. An act to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; to the Committee on Energy and Natural Resources.

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

H.R. 2559. An act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance; to the Committee on Governmental Affairs.

H.R. 2585. An act to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon; to the Committee on Energy and Natural Resources.

H.R. 2910. An act to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building"; to the Committee on Governmental Affairs.

H.J. Res. 71. Joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 233. Concurrent resolution expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001; to the Committee on the Judiciary.

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first time:

S. 1601. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 951: A bill to authorize appropriations for the Coast Guard, and for other purposes. (Rept. No. 107–89).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1042: A bill to prevent the elimination of certain reports. (Rept. No. 107-90).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002." (Rept. No. 107-91).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1140: A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness, in the arbitration process relating to motor vehicle franchise contracts.

S.J. Res. 12: A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

## 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. FEINGOLD (for himself and Mr. KOHL):

S. 1595. A bill to authorize the Secretary of Agriculture to establish a program to control bovine Johne's disease; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID:

S. 1596. A bill to authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. DASCHLE, Mrs. HUTCHISON, Mr. KENNEDY, Mr. HARKIN, Mr. REED, Mrs. MURRAY, Mr. WELLSTONE, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1597. A bill to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1598. To amend section 1706 of title 38, United States Code, to enhance the management of the provision by the Department of Veterans Affairs of specialized treatment and rehabilitation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH:

S. 1599. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Finance.

By Mr. DAYTON:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

By Mr. REID:

S. 1601. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; read the first time.

By Mr. CORZINE (for himself, Mr. JEFFORDS, Mrs. BOXER, and Mrs. CLINTON):

S. 1602. A bill to help protect the public against the threat of chemical attack; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. THOMPSON):

S. 1603. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS:

S. 1604. A bill to establish a national historic barn preservation program; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself and Mr. FRIST):

S. 1605. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. DURBIN, and Mr. EDWARDS):

S. 1606. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1607. A bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the medicare program; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, Mr. GRAHAM, and Mr. CRAPO):

S. 1608. A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs; to the Committee on Environment and Public Works.

By Mr. HELMS (for himself, Mr. DEWINE, and Mr. GRAHAM):

S.J. Res. 27. A joint resolution relating to the political, economic, and military relations of the United States with Nicaragua; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 207

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Wisconsin (Mr. KOHL) 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. 556

At the request of Mr. JEFFORDS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Con-

necticut (Mr. LIEBERMAN) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 724

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1303

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act to provide for payment under the medicare program for more frequent hemodialysis treatments.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1571

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1571, a bill to provide for the continuation of agricultural programs through fiscal year 2006.

S. 1578

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

AMENDMENT NO. 2026

At the request of Ms. COLLINS, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2026 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human

Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2039

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2039 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

By Mr. FEINGOLD (for himself  
and Mr. KOHL):

S. 1595. A bill to authorize the Secretary of Agriculture to establish a program to control bovine Johne's disease; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Madam President, I rise today to introduce the Johne's Disease Elimination Act, which would provide incentives to encourage dairy producers to voluntarily begin testing for Johne's disease and to remove infected and exposed animals from their dairy herds.

Johne's disease is a devastating infection that has adversely impacted dairy herds across the country for many years.

Johne's disease was identified more than a century ago, yet remains a common and costly infectious disease of dairy cattle.

Johne's disease starts as an infection in calves, though indications do not appear until 2 to 5 years later. Over 20 percent of all dairy herds may be infected with an animal pathogen that causes Johne's disease, which causes losses in milk production and an eventual wasting away of the animal. And if not detected and eliminated, the disease can spread throughout the herd.

This animal disease, for which there is no cure, is projected to cost U.S. dairy producers in excess of \$200 million annually.

Let me repeat, \$200 million. The average cost to producers is about \$245 per cow. In other words, the cost for a 100 cow dairy with an infected herd would be about \$24,000.

One of the biggest challenge to eradicate Johne's disease is the lack of a consistent national or industry-wide education or control program. One of the more prominent recent efforts involves the Johne's Committee of the U.S. Animal Health Association, which formed the National Johne's Working Group to begin more cohesive education, research, and control efforts to deal with the disease.

The legislation I am introducing today is based on the work of the National Johne's Working Group. My legislation would authorize the creation of a program to encourage dairy herd owners to be practically free of Johne's disease in 7 years.

This program would be absolutely voluntary and confidential, as the working group recommended.

This program would provide incentives to encourage dairy producers to voluntarily begin testing for Johne's disease and to remove infected and exposed animals from their dairy herds.

The incentives provided will also help farmers to perform herd risk assessments and utilize best management practices to develop appropriate Johne's Herd Management Plans to prevent further introduction and spread of the disease.

We need to listen to America's dairy industry and follow their common sense suggestions to eradicate a disease that hurts dairy farmers across the United States. I urge my colleagues to join me in cosponsoring this legislation.

By Mr. ROCKEFELLER:

S. 1598. To amend section 1706 of title 38, United States Code, to enhance the management of the provision by the Department of Veterans Affairs of specialized treatment and rehabilitation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Madam President, I am proud today to introduce legislation that would improve upon the current requirement that the Department of Veterans Affairs maintain specialized health care services. It is my hope that the "Veterans Specialized Treatment Act" will finally settle the issue and that high quality, specialized health care services will be readily available to our veterans at each and every VA hospital.

From its inception, the Department of Veterans' Affairs' health care system has been challenged to meet the special needs of its veteran patients, such as spinal cord injuries, amputations, blindness, post-traumatic stress disorder, substance abuse, and homelessness. Over the years, VA has developed widely recognized expertise in providing specialized services to meet these needs. We have all been proud of VA's expertise, some of which is unparalleled in the larger health care community.

Unfortunately, in recent years, VA's specialized programs have come under stress due to budget constraints, re-organizational changes, and the introduction of a new resource allocation system. Budgetary pressures, in particular, raised concerns back in 1996 that VA's costly specialized programs may be particularly vulnerable and disproportionately subject to reductions. As a result, Congress recognized the need to include protections for the specialized services programs. Public Law 104-262 specifically required the Secretary of Veterans Affairs to maintain capacity to provide for the specialized treatment needs of disabled veterans at the level in existence at the time the bill was passed, October 9, 1996 and to report annually to Congress on the status of its efforts.

While each of the VA's required reports have proclaimed success in maintaining capacity, some remain skeptical. The General Accounting Office found that "much more information and analyses are needed to support VA's, 1998, conclusion, that capacity was up to par." The VA Federal Advisory Committee on Prosthetics and Special Disability Programs has in the past called VA's data "flawed" and has not endorsed all of VA's report. In 1999, my own staff on the Committee on Veterans' Affairs also examined VA's implementation of the law and found that certain key programs, such as Post-Traumatic Stress Disorder and substance abuse disorder programs, were not meeting the mandated capacity levels.

The most recent report shows, again, that there is concern about whether VA is adhering to the law. The VA Federal Committee on Care of Severely Chronically Mentally Ill Veterans stated in an official response that the 2000 report on capacity "once again, documents the Department's decline in maintaining specialized services for . . . high priority patients, without explicitly acknowledging it." Committee members also emphasized that based on the results of the report, it did not appear that high-quality, system-wide access to specialized services is being provided by VA.

I am disappointed that VA has still been unable to properly demonstrate that adequate levels of care for those veterans with specialized health care needs are being maintained. The legislation I introduce today seeks to remedy this problem by closing loopholes in the original law to ensure VA's compliance. Congress has spoken quite clearly in the past: VA does not have the discretion about whether or not to maintain capacity for specialized services.

My proposed legislation would modify the existing report and require that VA submit information on the number of full-time staff providing treatment and the number of dedicated staffed beds; the number of veterans served by each such distinct program and facility; the number of units of service provided to veterans by such program, including the number of inpatient and residential days of care as well as the number of outpatient visits; and the amount of money spent for the care of veterans using these specialized services. Having this information for each of the distinct specialized services will allow Congress to fully understand how the specialized services are fairing. While I applaud VA's use of outcome measures, I believe it is imperative that the report contain hard data on the number of staffed beds and other information.

VA would also be required to maintain capacity of the Department at each and every medical center. Current law only requires that "overall" capacity be maintained.

Another key element of the legislation is that the Inspector General of

VA would conduct an annual audit to ensure that the requirements of the capacity law are carried out every year. The IG would also be required to review the VA's yearly report and provide their assessment, on that report, to Congress. Finally, in an effort to encourage VA managers to comply with the legislation, VA would be required to look at the status of the specialized services programs whenever job performance is reviewed.

My colleagues, I ask for your support of this bill, as it would help ensure that specialized services, a crucial segment of the health care VA provides to veterans, are maintained at the necessary level.

By Mr. DAYTON:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to allow Medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

Mr. DAYTON. Madam President, one of the groups consistently left out of most current economic stimulus proposals are America's senior citizens. Prescription drug prices continue to escalate, putting enormous financial strains on seniors in Minnesota and throughout the Nation. That is why I am introducing today The Rx Relief for Seniors Act. It would give America's hard-pressed senior citizens a one-time, refundable tax credit of up to \$500 per individual and up to \$1,000 per married couple, to offset their payments for prescription drugs during the year 2001.

Millions of senior citizens in my home state of Minnesota and throughout this country have had their limited personal incomes ravaged by the rising costs of prescription medicines. These escalating prices force the elderly to reduce their expenditures for other essential needs such as food, clothing, and utilities. They also prevent seniors from spending money on additional discretionary items such as recreation, travel, and other needed goods and services.

The assurance of this \$500 refundable tax credit, either as a credit on Federal taxes due next April 15, or as a cash refund from the Internal Revenue Service shortly thereafter, would permit budget-conscious senior citizens to increase immediately their purchases of additional consumer goods and services. Seniors, especially the majority who live on limited and fixed incomes, would be among the people most likely to spend quickly any new tax relief and thus help stimulate the economy. For this reason, the bill directs the Secretary of Health and Human Services to notify all Medicare beneficiaries that they are eligible for this refundable tax credit for their 2001 prescription drug purchases.

Since my election to the Senate a year ago, I have been urging my colleagues to adopt some form of prescription drug coverage for America's senior citizens. Regrettably, such permanent,

comprehensive coverage has been once again delayed by differences over the design of such a program. Yet, for millions of elderly citizens, the financial strains caused by escalating drug costs are urgent and acute. The Rx Relief for Seniors Act would provide them with a one-time dose of immediate relief. Hopefully, it would also provide a transition to permanent, comprehensive prescription drug coverage legislation next year.

By Mr. CORZINE (for himself, Mr. JEFFORDS, Mrs. BOXER, and Mrs. CLINTON):

S. 1602. A bill to help protect the public against the threat of chemical attack; to the Committee on Environment and Public Works.

Mr. CORZINE. Madam President, today I am introducing a bill, the Chemical Security Act of 2001, that will reduce the vulnerability of our communities to releases of hazardous chemicals.

In the past, concern about chemical facilities has largely focused on accidental releases. Unfortunately, recent events have shown that the potential for catastrophic accidents is still with us. As recently as September 21, an accident at a chemical plant in France caused 300 tons of nitrates to explode, killing 29, injuring thousands, and damaging 10,000 houses.

We need to ensure that we are taking all appropriate measures to prevent such catastrophes from occurring accidentally. But today, in the world of post 9/11, perhaps more importantly, we need to ensure that we do what we can to prevent such catastrophes from being caused intentionally by terrorists.

In the wake of the attacks in New York and Washington, it is clear that we need to look at all of our nation's assets and people as potential terrorist targets. We need to get ahead of the curve as quickly as we can. I believe that one of the places that we need to look first is at our nation's chemical production, processing, transportation and disposal infrastructure. Vulnerability of these sectors to either terrorist attack or the theft of dangerous chemicals can pose a serious threat to public health, safety and the environment.

This is not just my opinion, Madam President. The Department of Justice studied this matter last year and concluded that there is a "real and credible threat" that terrorists would try to cause an industrial chemical release in the foreseeable future. The Department noted that attacking an existing chemical facility, for example, presents an easier and more attractive alternative for terrorists than constructing a weapon of mass destruction. In addition, the Department concluded that many plants that contain hazardous chemicals would be attractive targets for terrorists because of the plants' proximity to densely populated areas. This is certainly the case in my home

state of New Jersey—the most densely populated State in the Nation.

Other studies also have shown that our nation's chemical facilities are indeed vulnerable. For example, the Agency for Toxic Substances and Disease Registry studied over 60 chemical plants in West Virginia, Georgia, and Nevada. The Agency found that security at those plants ranged from fair to very poor.

As I noted earlier, beyond the new threat of terrorism is the existing problem of chemical accidents. According to the National Response Center of the United States Coast Guard, which is the sole point of registry for reporting oil and chemical spills, there were 28,822 accidental industrial chemical releases in 1998. Those releases caused 2,193 injuries and 170 deaths.

Remarkably, Madam President, despite this risk, the federal government lacks mandatory security standards for any chemical facilities. Even those in densely populated areas. Even those with extremely hazardous chemicals. Now we do require owners and operators of such facilities to prepare risk management plans that analyze the potential off-site consequences of a release of regulated substances. These reports must include plans to prevent an unintended release and to mitigate the effects of such a release, should it occur. However, no federal requirements are in place that require specific steps to prevent releases caused by criminal or terrorist activity.

Madam President, the Chemical Security Act of 2001 would fill this gap in current law by requiring common sense steps to address the highest priority threats from accidents and attacks involving hazardous chemicals.

To enable the federal government to take immediate action upon enactment to address the most serious risks on a case-by-case basis, the bill provides EPA and the Attorney General the authority to issue administrative orders and secure relief through the courts to abate an imminent and substantial endangerment from a potential accidental or criminal release.

The bill directs the EPA Administrator to consult with the Attorney General, states and localities to identify "high priority" categories within our chemical production, processing, transportation and disposal infrastructure. In designating these "high priority" categories, the Administrator is to consider a set of factors, including the severity of potential harm from a release, proximity to population centers, threats to critical infrastructure and national security, and other factors the Administrator considers appropriate.

The bill also directs the Administrator to consider threshold quantities of chemicals in establishing high priority categories. This is to ensure that small businesses like gas stations and photo shops are not swept up in the regulations.

Those businesses that are designated as high priorities are subject to two



other provisions of the bill designed to reduce the threat of chemical attacks.

First, a general duty is placed on any owner or operator of a facility that falls within a high priority category to identify hazards, take measures to prevent a criminal release, and minimize the consequences of any criminal release that occurs.

Second, the EPA is directed to develop regulations for the high priority categories that will require them to take adequate actions to prevent, control, and minimize the potential consequences of an accident or attack.

The bill includes other provisions to enable the EPA and the Attorney General to carry out and enforce the act, such as the authority to obtain information that may be needed, while providing for protection of trades secrets and national security information.

Madam President, the legislation is not overly prescriptive, and this is intentional. I believe that in the wake of September 11, it is self-evident that we need to do a better job safeguarding our communities from terrorism. And I believe that the possibility of chemical attacks is something we need to look at. So the heart of the bill is a requirement that EPA and DOJ work with state and local agencies to ensure that the highest priority threats from chemical facilities are being addressed. But I don't want to tie the hands of the executive branch. I think that they should have wide latitude in determining what types of chemicals and facilities need to implement better security measures. But this latitude should not be misconstrued as a mandate to regulate gas stations, photo shops, and everyone under the sun who uses hazardous chemicals. Rather, the latitude is there to give EPA and DOJ broad enough authority so that they are able to address the most pressing threats, wherever they may be.

Madam President, strengthening security at high priority chemical sources is an immediate and necessary step to safeguard our communities. Over the longer term, however, I believe that our desire to protect our communities and our environment will be best served by reducing the use of hazardous chemicals. That's why this bill includes provisions to require high priority chemical sources to reduce risks where practicable by using inherently safer technology, well-maintained secondary control equipment, robust security measures, and buffer zones.

We have seen this type of approach work in New Jersey, where the legislature enacted a law requiring facilities to implement alternate processes that would reduce the risk of a release of extremely hazardous substances. After the enactment of this law, the number of water treatment plants using levels of chlorine at a level considered extremely hazardous decreased from 575 in 1988 to 22 in September of 2001. Chlorine, which can cause a number of problems include burning of the skin

and eyes, nosebleeds, chest pain, and death, was replaced by sodium hypochlorite or other much less hazardous chemicals or processes. Although I believe this New Jersey law has afforded my constituents a high level of safety with regard to accidents, the current federal and state security requirements in New Jersey do not address the threat of terrorist attacks. I suspect that this is most if not all of our states, Madam President. That's why it's critical for Congress to act.

I am glad to note, Madam President, that the chemical industry has indicated a willingness to engage the federal government on the issue of security. On October 4, 2001, the American Chemistry Council sent a letter to President Bush, requesting that the federal government immediately begin a comprehensive assessment of security at chemical plants. On October 10, a representative of the American Chemistry Council who testified before the House Transportation and Infrastructure Subcommittee on Water and the Environment reiterated this message, stating that "Our industry believes it will benefit from a comprehensive assessment conducted by appropriate federal law enforcement, national security and safety experts. While we are taking aggressive steps to make our operations more secure, we recognize that we cannot achieve this objective by ourselves." Madam President, I agree with the American Chemistry Council's on this point, and I look forward to working with industry to ensure that the federal government has the tools that it needs to play its proper role.

In conclusion, Madam President, reducing the threat of a terrorist attack against a chemical facility, or an accidental release of hazardous substances, is critically important to ensure the safety of all Americans. We should not wait any longer before beginning to address this problem, and I urge my colleagues to support this legislation.

By Mr. JEFFORDS:

S. 1604. A bill to establish a national historic barn preservation program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEFFORDS. Madam President, I rise today to introduce the National Historic Barn Preservation Act of 2001.

As I am sure my colleagues agree, historic barns are some of America's greatest national treasures symbolizing the agriculture foundations upon which our Nation was founded. Unfortunately, many are in danger of falling beyond repair. These symbols of the American spirit are a vital component of our cultural heritage and must be preserved.

From our agricultural beginnings in Colonial times to the frontiersmen's expansion to the West, barns have been a fixture of the rural American landscape. Unfortunately, Agriculture and farm production has weathered many painful changes over the past decades.

These changes have been particularly difficult for small and medium sized farms where most of our nation's historic barns reside. According to a survey conducted by Successful Farming, 65 percent of the farmers surveyed had barns over 50 years old on their property.

Our legislation allows these farmers to receive funds administered through States and non-profit organizations to bring their barns into productive use. Preserving these barns will not only ensure their survival for generations to come, it will also provide many practical benefits to the communities and economies that surround them.

Specifically, this bill will allow small and medium-sized farms to make necessary investments in their production facilities to keep their farms working by providing direct grants. In hard times, small and medium-sized farms have had to choose between making improvements on a historic structure on their property or investing in machinery to keep their existing operations running. Between 1982 and 1997, our nation saw a 15 percent decline in the number of farms in use, averaging a loss of 22,000 farms per year. This bill will ensure the economic viability of these farms by helping farmers preserve their historic structures and maintain essential investments. Given our current economic outlook, this bill will be particularly beneficial.

Also, preserving historic barns helps ensure that farmers keep their land in agricultural use. This has a tremendous effect in preventing sprawl from encroaching on rural communities. It is estimated that 3.6 million acres of farmland is removed from agricultural use each year.

This is a sensible bill that ensures the preservation of historic barns in ways individual farmers want. The National Trust for Historic Preservation recently conducted a survey asking farmers how they could preserve historic barns on their property. The number one response from these farmers was to create a national grant program, exactly what this legislation does.

This bill enjoys wide support and has been endorsed by the National Trust for Historic Preservation. I invite my colleagues to join me in my efforts to preserve our Nation's historic barns for the prosperity of future generations and the well-being of our rural communities. I ask that a summary of the legislation be printed in the RECORD.

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

#### BILL SUMMARY

The bill would instruct the Secretary of Agriculture to act through the Undersecretary of Rural Development to: Assist states in developing a listing of historic barns; collect and disseminate information concerning historic barns; foster educational programs relating to historic barns and their preservation; sponsor and conduct research on the history of barns; and sponsor or conduct research, and study techniques, on protecting historic barns.

The bill would authorize the Office of Rural Development of USDA to award \$25 million in grants over FY 2002 through 2006 for barn preservation projects to the following agencies: State Departments of Agriculture, National or State Non-profits that have been determined by the Secretary of Agriculture to have experience in historic barn preservation, and a State Historic Preservation Office.

While most of the \$25 million authorized would be awarded for grants used to rehabilitate or repair historic barns, the bill would allow some of the funds to be used to: Install fire detection systems and/or sprinklers; install systems to prevent vandalism; and identify, document and conduct research on historic barns to develop and evaluate appropriate techniques or best practices for protecting historic barns.

By Mr. ROCKEFELLER (for himself, and Ms. SNOWE):

S. 1607. A bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the Medicare Program; to the Committee on Finance.

Mr. ROCKEFELLER. Madam President, I rise today to introduce a small bill, but one with important consequences. My measure, the "Medicare Remote Monitoring Services Act of 2001," seeks to increase access to remote management technologies by providing equal payment for these services under Medicare. I am pleased to be joined by Senator SNOWE in introducing this measure.

As my colleagues know, many new technologies that collect, analyze, and transmit clinical health information are in development or have recently been introduced to the market. These remote management technologies hold clear promise: Better information on the patient's condition, collected and stored electronically, analyzed for clinical value, and transmitted to the physician or the patient, should improve patient care and access. Instead of a time-consuming 20-mile trips to the doctor's office, it takes the patient 10 minutes to transmit the data by computer. This is not going to replace hands-on medicine, but when it's not possible for the physician to be there, this can be a tool. It's a more aggressive way to be with the patient and help avoid a crisis.

Despite these innovations, many new clinical information and remote management technologies have failed to diffuse rapidly. A significant barrier to wider adoption and evolution of the technologies is the relative lack of payment mechanisms under Medicare for services provided by a physician related to these technologies.

The June 2001 "MedPAC report to Congress on Medicare in Rural America" raises concerns about access to health care in rural areas. The report states that if policymakers are interested in expanding the use of telemedicine approaches to improve access to care, one avenue that could be explored is the coverage of technology that enables a diagnostic test to be performed on a patient remotely and then be sent

electronically to the consulting physician for review at a later time.

In addition, in its March 2001 report, "Crossing the Quality Chasm," the Institute of Medicine stated that the automation of clinical and other health transactions was an essential factor for improving quality, preventing errors, enhancing consumer confidence, and improving efficiency, yet "health care delivery has been relatively untouched by the revolution in information technology that has been transforming nearly every other aspect of society."

Under this legislation remote monitoring services that are found to be comparable to face to face, encounter-based, monitoring services will be given the same coverage and level of Medicare payment as the comparable encounter-based physician service. The provision will be implemented in a budget-neutral manner. I urge my colleagues to cosponsor this legislation that will improve patient access, care, and management, as well as spur the development of new technologies that will improve services further.

Ms. SNOWE. Madam President, today I am joining with Senator ROCKEFELLER in introducing the Medicare Remote Monitoring Service Coverage Act of 2001. This bill is designed to place Medicare on the cutting edge of technology and ensure that our Nation's seniors have access to the best treatment options available.

Ever since the first stethoscope was developed in Paris in 1816, medical technology has had a dramatic impact on health care. Over the past twenty-five years, the technology of medical devices has improved dramatically. The resulting changes in the practice of medicine and the improvements in the quality of patient care of have been dramatic and this trend will continue as we move into the future.

Once such important improvement is in the ability of new cutting-edge medical devices to electronically monitor a patient's response to treatment. The new devices will collect, analyze and transmit clinical health information to the patient's physician. As a result, the physician will have access to better information on the patient's condition, which will improve patient care. These innovative devices will also monitor their own internal performance and transmit this information in real-time to the physician's office. Physicians can use this data to assess a patient's response to treatment and determine if new interventions are required.

One such device that is under development is an advanced version of the internal cardiac defibrillator or ICD similar to the one used by Vice President CHENEY. These devices monitor the heart and respond automatically when indicated. When the heart's rhythm triggers certain interventions, the patient is required to immediately contact their physician and must travel to the emergency room to determine if a more serious problem has developed. It is also crucial at these times

to determine that the device is working properly. Access to care in these circumstances is imperative.

With these new devices, this important information can be transmitted electronically to the physician. The physician can then analyze this clinical data and determine if further intervention is required. As a result of this innovation, costly emergency room visits are avoided and patients can receive their physician's assessment more quickly. This reduces the cost of the health care intervention by avoiding the emergency room visit and provides piece of mind to the patient that the life-saving device is working properly. One can easily see that this is of greatest value to patients in rural areas who would otherwise have to travel great distances to the emergency room for evaluation, many times in the middle of the night.

While these new technologies hold great promise, Medicare reimbursement policies are an unfortunate barrier to their use. Under current Medicare payment policy, most physician billing codes are limited to face-to-face interactions between physician and patient. The physician payment system does not provide reimbursement for time spent on a clinical evaluation when a face-to-face encounter is not needed. As a result, Medicare payment rules will inhibit the adoption of this promising technology. This is unfortunate when one considers that, in many cases, costly emergency room visits can be avoided while the identical clinical analysis and interpretation takes place using data that is transmitted electronically to the physician.

This legislation, which we are introducing today, would create reimbursement parity between physician visits on a face-to-face basis and equivalent interventions resulting from remote patient management made possible by these devices. The legislation would provide the same Medicare coverage and level of reimbursement for remote monitoring services that are found to be comparable to face-to-face, encounter-based, services specifically for data collection and analysis. This new reimbursement policy will be implemented in a budget-neutral manner and simply designed to pay for remote monitoring when a face-to-face physician encounter would be reimbursed for the same services under the same set of circumstances.

This proposal will improve patient care and promote the adoption of this innovative new technology. Moreover, it will provide better access and improved quality of care for patients who rely on these devices, particularly in rural areas. This is especially true in cases when an immediate evaluation is required. We believe this is a sensible proposal that will reduce costs in the long-run and will ensure that seniors have access to cutting edge, life-saving technologies. We are hopeful that this legislation can be adopted quickly to assure that Medicare beneficiaries are

not prevented from accessing this technology.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, Mr. GRAHAM, and Mr. CRAPO):

S. 1608. A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1608

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. WATER SECURITY GRANTS.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a publicly- or privately-owned drinking water or wastewater facility.

(3) ELIGIBLE PROJECT OR ACTIVITY.—

(A) IN GENERAL.—The term “eligible project or activity” means a project or activity carried out by an eligible entity to address an immediate physical security need.

(B) INCLUSIONS.—The term “eligible project or activity” includes a project or activity relating to—

- (i) security staffing;
- (ii) detection of intruders;
- (iii) installation and maintenance of fencing, gating, or lighting;
- (iv) installation of and monitoring on closed-circuit television;
- (v) rekeying of doors and locks;
- (vi) site maintenance, such as maintenance to increase visibility around facilities, windows, and doorways;
- (vii) development, acquisition, or use of guidance manuals, educational videos, or training programs; and
- (viii) a program established by a State to provide technical assistance or training to water and wastewater facility managers, especially such a program that emphasizes small or rural eligible entities.

(C) EXCLUSIONS.—The term “eligible project or activity” does not include any large-scale or system-wide project that includes a large capital improvement or vulnerability assessment.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program to allocate to States, in accordance with paragraph (2), funds for use in awarding grants to eligible entities under subsection (c).

(2) ALLOCATION TO STATES.—Not later than 30 days after the date on which funds are made available to carry out this section, the Administrator shall allocate the funds to States in accordance with the formula for the distribution of funds described in section 1452(a)(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)).

(3) NOTICE.—Not later than 30 days after the date described in paragraph (2), each State shall provide to each eligible entity in the State a notice that funds are available to assist the eligible entity in addressing immediate physical security needs.

(c) AWARD OF GRANTS.—

(1) APPLICATION.—An eligible entity that seeks to receive a grant under this section

shall submit to the State in which the eligible entity is located an application for the grant in such form and containing such information as the State may prescribe.

(2) CONDITION FOR RECEIPT OF GRANT.—An eligible entity that receives a grant under this section shall agree to expend all funds provided by the grant not later than September 30, 2002.

(3) DISADVANTAGED, SMALL, AND RURAL ELIGIBLE ENTITIES.—A State that awards a grant under this section shall ensure, to the maximum extent practicable in accordance with the income and population distribution of the State, that a sufficient percentage of the funds allocated to the State under subsection (b)(2) are available for disadvantaged, small, and rural eligible entities in the State.

(d) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) IN GENERAL.—A grant awarded by a State under subsection (c) shall be used by an eligible entity to carry out 1 or more eligible projects or activities.

(2) COORDINATION WITH EXISTING TRAINING PROGRAMS.—In awarding a grant for an eligible project or activity described in subsection (a)(3)(B)(vii), a State shall, to the maximum extent practicable, coordinate with training programs of rural water associations of the State that are in effect as of the date on which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2002.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2043. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2044. Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, supra.

SA 2045. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2046. Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2047. Mr. HATCH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2048. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

SA 2049. Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, supra.

SA 2050. Mr. HARKIN (for Ms. COLLINS (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2051. Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, supra.

SA 2052. Mr. HARKIN (for Mr. INOUE) proposed an amendment to the bill H.R. 3061, supra.

SA 2053. Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, supra.

SA 2054. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2055. Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) supra.

#### TEXT OF AMENDMENTS

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 7, strike “\$361,524,000” and insert “\$291,524,000”.

On page 43, line 23, strike “\$305,000,000” and insert “\$375,000,000”.

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 23, strike “\$305,000,000” and insert “\$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by \$70,000,000”.

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ (a) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT HOSPITAL SERVICES.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting “(i) IN GENERAL.—” before “The Secretary”, and adjusting the margin two ems to the right;

(2) by striking “The Secretary” and inserting “Subject to clause (ii), the Secretary”; and

(3) by adding at the end the following new clause:

“(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

“(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

“(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.”.

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR OUTPATIENT HOSPITAL SERVICES.—Section

1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886."

**SA 2043.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.**

(a) **DEFINITIONS.**—In this section:

(1) **GAMETE.**—The term "gamete" means a haploid germ cell that is an egg or a sperm.

(2) **SOMATIC CELL.**—The term "somatic cell" means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) **PROHIBITION.**—It shall be unlawful for any person to knowingly attempt to create a human-animal hybrid by—

(1) combine a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) **SANCTIONS.**—

(1) **IN GENERAL.**—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) **CIVIL PENALTIES.**—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

**SA 2044.** Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001".

**SEC. \_\_\_\_02. DECLARATION OF PURPOSE AND POLICY.**

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared account-

ability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent work stoppages and industrial strife between labor and management that interferes with the normal flow of commerce.

**SEC. \_\_\_\_03. DEFINITIONS.**

In this title:

(1) **AUTHORITY.**—The term "Authority" means the Federal Labor Relations Authority.

(2) **EMERGENCY MEDICAL SERVICES PERSONNEL.**—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) **EMPLOYER; PUBLIC SAFETY AGENCY.**—The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) **FIREFIGHTER.**—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) **LABOR ORGANIZATION.**—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) **MANAGEMENT EMPLOYEE.**—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate or determine the policies of the employer.

(8) **PUBLIC SAFETY OFFICER.**—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) **SUBSTANTIALLY PROVIDES.**—The term "substantially provides" means that the State provides rights and responsibilities that are comparable to or greater than the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) **SUPERVISORY EMPLOYEE.**—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

**SEC. \_\_\_\_04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.**

(a) **DETERMINATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) **SUBSEQUENT DETERMINATIONS.**—

(A) **IN GENERAL.**—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) **PROCEDURES FOR SUBSEQUENT DETERMINATIONS.**—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) **JUDICIAL REVIEW.**—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) **RIGHTS AND RESPONSIBILITIES.**—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized

as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 05.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

#### SEC. 05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section,

and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

#### SEC. 06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

#### SEC. 07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

#### SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title;

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 04(b)(3);

(3) to prevent a State from enforcing a right-to-work law which prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(4) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear in his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(5) to prohibit a State from exempting from coverage under this title a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term "employees" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this title shall be construed to require a State to

rescind or preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title.

(2) ACTIONS OF THE AUTHORITY.—Nothing in this title shall be construed to require that the Authority preempt the laws or ordinances of any political subdivision of a State if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title.

#### SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

**SA 2045.** Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(3) recent reports from the Associated Press highlight the use of Federal AIDS prevention money to conduct sexually explicit workshops for homosexual men and women;

(4) such sexually explicit workshops teach homosexual men and women how to write erotic love stories and how to use sex toys for solo and partner sex; and

(5) Federal AIDS prevention funds should not be used to promote sexual activity and behavior and potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning programs offering sexually explicit workshops using such dollars.

**SA 2046.** Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(5) Federal AIDS prevention funds should not be used to promote sexual activity that could potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning the use of all AIDS funds and explicit descriptions of programs and workshops for AIDS prevention purposes.

**SA 2047.** Mr. HATCH (for himself, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. \_\_\_\_\_. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. \_\_\_\_\_. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

*Resolved*, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rule-making with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

**SA 2048.** Mr. HARKIN proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for

the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 33, line 22, strike all after the word "Center" through the word "vivarium" on line 23.

On page 33, line 25, strike all after the word "related" through the word "project" on page 34, line 2, and insert, in lieu thereof, "contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center".

**SA 2049.** Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1)."

**SA 2050.** Mr. HARKIN (for Ms. COLLINS (for herself and Mr. REED)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided \$300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000-2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000-2001.

(4) In the winter of 2000-2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000-2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000-2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999-2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999-2000; and

(B) the weather was 10 percent colder than in the winter of 1999-2000.

(7) In the winter of 2000-2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000-2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.



(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the \$300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

**SA 2051.** Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, after the period on line 15, add the following:

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

*Resolved*, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rule-making with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

**SA 2052.** Mr. HARKIN (for Mr. INOUE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, on page 93, after line 12, insert the following:

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”; and

(2) in subsection (b)(1)(C), by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”.

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”.

**SA 2053.** Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 93, after line 12, insert the following:

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, includ-

ing local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term “administrative simplification requirements” means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

**SA 2054.** Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end, add the following:

SEC. \_\_\_\_ STUDY AND REPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

**SA 2055.** Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

After line 7 on page 9, insert the following:

"(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 31, 2001, in SR-328A at 2:30 p.m. The purpose of this business meeting will be to confirm the organization of the Agriculture Committee Subcommittee membership, mark up the credit title of the new Federal farm bill, and consider S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, October 31, 2001. The purpose of this business meeting will be to confirm the organization of the Agriculture Committee subcommittee membership, mark up the credit title of the new Federal farm bill, and consider S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 31, 2001, at 2 p.m. to hold a nomination hearing.

#### Agenda

Nominees: Mr. George Argyros, Sr., of California, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra; Mr. Robert Beecroft, of Maryland, for the rank of Ambassador during his tenure of service as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina; and Mr. Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria; to be introduced by: the Honorable MITCH MCCONNELL.

Mr. Stephan Minikes, of the District of Columbia, to be U.S. Representative

to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, to be introduced by: the Honorable ARLEN SPECTER.

Mr. William Montgomery, of Pennsylvania, to be Ambassador to the Federal Republic of Yugoslavia; Mr. Melvin Sembler, of Florida, to be Ambassador to Italy; and Mr. Ronald Weiser, of Michigan, to be Ambassador to the Slovak Republic, to be introduced by: the Honorable CARL LEVIN.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, October 31, 2001, at 2:30 p.m., in room S-407 in the Capitol.

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

##### SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife, and Water, be authorized to meet on Wednesday, October 31, 2001, at 9:30 a.m. to conduct a hearing on innovative financing mechanisms related to the drinking water and clean water State revolving fund. The hearing will be held in the room SD-406.

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

##### SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, October 31, 2001, at 9:30 a.m. to hold a joint hearing entitled "Terrorism Through the Mail: Protecting Postal Workers and the Public."

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

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3061

Mr. REID. Madam President, I ask unanimous consent that at 10 a.m. tomorrow morning, Thursday, November 1, when the Senate resumes consideration of H.R. 3061, the Labor-HHS Appropriations Act, Senator GREGG be recognized to offer an amendment regarding school construction; that there be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Gregg amendment be laid aside and Senator LANDRIEU be recognized to offer an amendment regarding Title I targeting on which there will be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form;

that no second-degree amendments be in order to either amendment prior to the vote, nor to the language which may be stricken; that upon the use of time, the Senate resume consideration of the Gregg amendment, and then proceed to vote in relation to the Gregg amendment; that regardless of the outcome of the vote, there be 2 minutes for debate that in relation to the Landrieu amendment; that upon the use of that time, the Senate proceed to vote in relation to the Landrieu amendment, with no further intervening action.

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

Mr. REID. Madam President, having had that consent agreement entered, I reiterate what the majority leader said a couple of hours ago that we are going to finish this bill this week, hopefully tomorrow. It would be really good if we could. Otherwise, we will have to work until Friday.

The leader is also extremely interested in completing the DC appropriations bill. The manager of that bill, the chairman of the subcommittee, Senator LANDRIEU, has indicated she is in conversations with the Senator on the other side regarding bringing the bill forward. Hopefully, that can be done and disposed of in a relatively short period of time.

Even though there were no recorded votes today, nor were there recorded votes yesterday, significant progress has been made on this bill. The managers have accepted six or eight amendments. A couple have been accepted by voice vote. The staff committee has been working with a number of Senators during the day, making progress on some very significant amendments. Hopefully, when these amendments are completed tomorrow, the Gregg and Landrieu amendments, we will be ready to complete work on this bill tomorrow afternoon.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 504 through 510; that the nominations be confirmed, the motions to reconsider be laid on the table, any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate action, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

##### IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

##### *To be major general*

Brigadier General James P. Czekan, 0000

Brigadier General Hugh H. Forsythe, 0000  
Brigadier General Douglas S. Metcalf, 0000  
Brigadier General Betty L. Mullis, 0000

*To be brigadier general*

Colonel Mark W. Anderson, 0000  
Colonel John H. Bordelon, Jr., 0000  
Colonel Robert L. Corley, 0000  
Colonel David L. Frostman, 0000  
Colonel Linda S. Hemminger, 0000  
Colonel Robert W. Marcott, 0000  
Colonel Clay T. McCutchan, 0000  
Colonel Harold L. Mitchell, 0000  
Colonel James M. Sluder, III, 0000  
Colonel Erika C. Steuterman, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. Hal M. Hornburg, 0000

IN THE ARMY

The following named officer for appointment to the grade indicated in the United States Army, Army Judge Advocate General's Corps under title 10, U.S.C., section 624:

*To be colonel*

Donald W. Dawson, III, 0000

The following named officer for appointment to the grade indicated in the United States Army, Army Judge Advocate General's Corps under title 10, U.S.C., section 624:

*To be colonel*

Daniel M. Macguire, 0000

The following named officer for appointment to the grade indicated in the United States Army, Army Judge Advocate General's Corps under title 10, U.S.C., section 624:

*To be lieutenant colonel*

Christopher M. Murphy, 0000

The following named officer for appointment to the grade indicated in the United States Army, Army Medical Corps under title 10, U.S.C., section 624:

*To be major*

Daniel F. Lee, 0000

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Jose L. Betancourt, 0000  
Rear Adm. (lh) Annette E. Brown, 0000  
Rear Adm. (lh) Brian M. Calhoun, 0000  
Rear Adm. (lh) Kevin J. Cosgriff, 0000  
Rear Adm. (lh) Lewis W. Crenshaw, Jr., 0000  
Rear Adm. (lh) Terrance T. Etnyre, 0000  
Rear Adm. (lh) Mark P. Fitzgerald, 0000  
Rear Adm. (lh) Jonathan W. Greenert, 0000  
Rear Adm. (lh) Curtis A. Kemp, 0000  
Rear Adm. (lh) Walter B. Massenburg, 0000  
Rear Adm. (lh) James K. Moran, 0000  
Rear Adm. (lh) Charles L. Munns, 0000  
Rear Adm. (lh) James A. Robb, 0000  
Rear Adm. (lh) Joseph A. Sestak, Jr., 0000  
Rear Adm. (lh) Steven J. Tomaszewski, 0000  
Rear Adm. (lh) John W. Townes, III, 0000  
Rear Adm. (lh) Christopher E. Weaver, 0000  
Rear Adm. (lh) Charles B. Young, 0000  
Rear Adm. (lh) Thomas E. Zelibor, 0000

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Connecticut (Mr. DODD) to the National Historical Publications and Records Commission, vice the Senator from Vermont (Mr. JEFFORDS).

## MEASURE READ THE FIRST TIME—S. 1601

Mr. REID. Madam president, I understand that S. 1601, introduced earlier today by Senators REID and ENSIGN, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1601) to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

Mr. REID. I now ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

## ORDERS FOR THURSDAY, NOVEMBER 1, 2001

Mr. REID. I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, November 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Labor-HHS Appropriations Act.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam president, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Thursday, November 1, 2001, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 31, 2001:

### COMMODITY FUTURES TRADING COMMISSION

JAMES E. NEWSOME, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING JUNE 19, 2006. (RE-APPOINTMENT)

JAMES E. NEWSOME, OF MISSISSIPPI, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE WILLIAM J. RAINER, RESIGNED.

## DEPARTMENT OF THE TREASURY

RICHARD CLARIDA, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DAVID W. WILCOX, RESIGNED.

KENNETH LAWSON, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ELIZABETH BRESEE, RESIGNED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 2001:

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIGADIER GENERAL JAMES P. CZEKANSKI, 0000  
BRIGADIER GENERAL HUGH H. FORSYTHE, 0000  
BRIGADIER GENERAL DOUGLAS S. METCALF, 0000  
BRIGADIER GENERAL BETTY L. MULLIS, 0000

#### *To be brigadier general*

COLONEL MARK W. ANDERSON, 0000  
COLONEL JOHN H. BORDELON JR., 0000  
COLONEL ROBERT L. CORLEY, 0000  
COLONEL DAVID L. FROSTMAN, 0000  
COLONEL LINDA S. HEMMINGER, 0000  
COLONEL ROBERT W. MARCOTT, 0000  
COLONEL CLAY T. MCCUTCHAN, 0000  
COLONEL HAROLD L. MITCHELL, 0000  
COLONEL JAMES M. SLUDER III, 0000  
COLONEL ERIKA C. STEUTERMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

GEN. HAL M. HORNBURG, 0000

### ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

DONALD W. DAWSON III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

DANIEL M. MACGUIRE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

CHRISTOPHER M. MURPHY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

DANIEL F. LEE, 0000.

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be rear admiral*

REAR ADM. (LH) JOSE L. BETANCOURT, 0000  
REAR ADM. (LH) ANNETTE E. BROWN, 0000  
REAR ADM. (LH) BRIAN M. CALHOUN, 0000  
REAR ADM. (LH) KEVIN J. COSGRIFF, 0000  
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000  
REAR ADM. (LH) TERRANCE T. ETNYRE, 0000  
REAR ADM. (LH) MARK P. FITZGERALD, 0000  
REAR ADM. (LH) JONATHAN W. GREENERT, 0000  
REAR ADM. (LH) CURTIS A. KEMP, 0000  
REAR ADM. (LH) WALTER B. MASSENBURG, 0000.  
REAR ADM. (LH) JAMES K. MORAN, 0000  
REAR ADM. (LH) CHARLES L. MUNNS, 0000  
REAR ADM. (LH) JAMES A. ROBB, 0000  
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000  
REAR ADM. (LH) STEVEN J. TOMASZEWSKI, 0000  
REAR ADM. (LH) JOHN W. TOWNES III, 0000  
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000  
REAR ADM. (LH) CHARLES B. YOUNG, 0000  
REAR ADM. (LH) THOMAS E. ZELIBOR, 0000