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House of Representatives

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

ISRAEL ACTING IN SELF-DEFENSE

Mr. PENCE. Mr. Speaker, I rise today after a harrowing set of days, explosions, fire, innocent civilians running in panic through the streets; and I do not refer to life in America, New York City, or in the environs of the Pentagon on September 11; but I speak of Jerusalem and Israel. I speak of a nation that in the last week and past several days has grievously lost husbands and fathers, wives and mothers, sons and daughters, grandsons and granddaughters to the scourge of political terror.

I rise today humbly to speak of Israel and of the precious relationship that does and must continue to exist between the Government of the United States and the government of that great and historic people. As an American, a Christian, and a Hoosier, it is my firm belief now more than ever that it is my duty to insist that the United States of America never waver in protecting and defending the interests of the State of Israel in its battle for survival in this dangerous part of the world, and in its efforts now to open up, as the President's press secretary spoke yesterday, of the second front of the war on terrorism.

Mr. Speaker, many of these things may seem obvious, but many in the media are having a hard time figuring out who is right in the current conflict and how to best stop, we are told, the cycle of violence in order to help the parties get back to the negotiating table so they can iron out differences and misunderstandings. While I will say I am the first to admit that I know less than most of my colleagues do about Israel and its importance to America, let me say what I think this conflict is about and see whether my colleagues might agree.

Mr. Speaker, first I want to assert that I do not think that there is anything current about this conflict. I believe it is part of a continuing struggle being waged by many in the Arab world of extremists' views to do nothing other than to destroy the State of Israel, period. It is the historic aim of many in the terrorist organizations of Palestine and elsewhere, and the conflict today is simply an extension of that.

As to the question of who is right, that is simple. Mr. Speaker, it has ever been the policy of the United States of America and the people of this country since 1948 that Israel is right, believing as I do, as millions of Americans do, that He will still bless those who bless Israel, and so we stand with her.

A cycle of violence, I reject the term. When terrorists blow up a school bus or explode bombs in a mall killing children and innocent men and women, this is their aim. When Israel defense forces strike back, as they are at this hour and have in the last 24 hours, killing known terrorists and neutralizing terrorist assets, Mr. Speaker, this is not a cycle of violence; it is Israel performing her own self-defense.

As to returning to negotiations, one might ask what is there left to negotiate. Last summer at Camp David former Prime Minister Barak offered Yasser Arafat virtually everything. And how did Arafat respond? By launching a 9-month guerrilla war culminating this weekend, targeting women and children, some of whom were born in this country, and even in my State of Indiana. No, Yasser Arafat is not an effective negotiating partner. He is a terrorist, and it is time America stood strongly by Israel and said to Yasser Arafat, it is time that the terrorists and their capabilities are secured within the Palestinian Authority or else.

Mr. Speaker, the Bible tells us of another time when a man of God stood alone with his servant and hostile forces were arrayed against him. His servant was frightened, and so he prayed that God might open the eyes of his servant, that he would see more of those who are with us than those that are with them. It is my prayer, Mr. Speaker, that Israel's eyes would be opened, to know that though her enemies are ruthless, her friends in this country and this government are many, many more.

INCREASED TRANSPORTATION BENEFIT IS A WIN FOR HOUSE EMPLOYEES AND ENVIRONMENT

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I came to Congress with the notion that the Federal Government ought to be a better partner with American communities, local governments, business and citizens to help promote the livability of these communities, to make our families safe, healthy and economically secure.

One of the examples of where we could in fact make a difference was found upon my arrival here in Washington, D.C. Despite the fact that the District of Columbia was reputed to have the second worst traffic congestion of any metropolitan region in the country, despite concerns about congestion, pollution, a lack of parking here on Capitol Hill, the House of Representatives provided unlimited free parking for our employees, but would not do anything to help those who wanted to use mass transit and perhaps be part of the solution, despite the fact that we were arguing that the private sector and other governments ought to step up and try and help their employees with transit.

Mr. Speaker, it took an effort of almost 2 years and working with the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Michigan (Mr. EHLERS), the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. MORAN) we were able to implement a transit benefit program for the House employees.

Mr. Speaker, I am pleased that we have moved into a new era of that. We have more than tripled the benefit. Starting this month, employees will be able to have a $65 transportation benefit for those who do not avail themselves of free parking on Capitol Hill; and starting January 1, they will be able to deduct pretax an additional $35 for a $100 transit benefit.

I am extremely grateful, Mr. Speaker, to the leadership of the Committee on Administration under the leadership of the gentleman from Ohio (Mr. NEY) with the gentleman from Maryland (Mr. HOYER), the ranking member, where they stepped up, worked with the committee and put in place a program that is going to allow us to provide an extensive benefit for our employees; but it also, in a time when we are concerned about the energy security of this country, when we are deeply concerned about the quality of life in and around our Nation's capital, and when we are watching the problems associated with increased security every day stack up cars as they are waiting to be inspected coming into our House parking lots, this transportation benefit is a win for the environment, it is a win for the morale and efficiency of employees on the House. It is a win for those who want to make sure that Congress leads by example.

I strongly urge that each office look anew at this enhanced benefit program to make sure that each eligible employee takes advantage of it, and in fact, that each Member of Congress and their chief of staff encourage others to take advantage of it, because it is going to be good for them in the long run. We want the program to be a success. It is an important step to save money, to save the environment, and make Capitol Hill a little more livable.

ANTI-DUMPING LAWS LAST LINE OF DEFENSE AGAINST UNFAIRLY TRADED IMPORTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, despite the overwhelming passage of a sense of Congress resolution urging the President to keep U.S. anti-dumping laws off of Qatar's negotiating table, the U.S. Trade Representative, Bob Zoellick, did just the opposite after a 410 to 4 vote.

U.S. officials have signaled that they are willing to negotiate on trade dumping laws that provide safeguards against countries selling products in the U.S. marketplace at below cost. The American steel industry, like so many others, relies on anti-dumping laws as their last line of defense against unfairly traded imports.

Unfortunately, since the WTO Uruguay Round, the steel industry's ability to defend itself against dumping has been severely weakened. Now, in Qatar, a couple of weeks ago, the U.S. Trade Representative has remained open to further weakening the rules on trade dumping, further jeopardizing American steel, further threatening American jobs.

Many of us were concerned about Qatar long before the negotiations began. It is a country that does not allow free elections. It is a country that does not allow freedom of expression. It is a country where women are treated not much differently from the way women are treated by the Taliban in Afghanistan.

□ 1245

It is a country where public worship by non-Muslims is banned. The message that sends to people around the world that the trade ministers of all of the nations in the world are meeting in a city, in a country, where public protest will not be allowed, where free speech is not allowed, where public expression is not allowed, where freedom of worship is not allowed, and where free elections are not allowed, the message that sends is troubling. It is troubling because all too often our own trade minister, Robert Zoellick, has used in the past language to suggest that those of us who do not support his free trade agenda, his agenda to weaken environmental standards, to weaken labor standards around the world, those of us who do not support this free trade agenda, he implies, are indifferent to terrorism. He has questioned our patriotism saying, we do not really share American values if we do not support Fast Track, if we do not support his trade legislation because, he tells us, that is the way to combat terrorism around the world: You are either with us or you are against us. Many of us resent the U.S. Trade Representative questioning our patriotism, claiming we are indifferent to terrorism because we believe his Fast Track proposal is not coincident with American values and does not do the right things for our country.

Supporters of Fast Track argue that the U.S. is being left behind. They tell us we need Fast Track to increase American exports and provide new jobs for American workers. But this country's history of flawed trade agreements has led to a trade deficit with the rest of the world that surges well above $350 billion. The 2000 trade deficit is 40 percent higher than the previous record set in 1999. The Department of Labor has reported that NAFTA, and these are very conservative government figures, that NAFTA has caused the loss of 300,000 jobs.

The American steel industry is no stranger to trade-induced adversity. Thousands of steel workers have lost their jobs. Mr. Speaker, 25 companies have filed for bankruptcy, 16 in the last year. We import 39 million tons of steel, double the 16 million tons we imported only 10 years ago, and steel prices, because of that, are below 1998 levels. In my home district, steel workers from LTV are learning firsthand that our trade policies put American workers in jeopardy. LTV terminated negotiations with its major union and went to bankruptcy court seeking permission to shut down its steel-making operations in anticipation of its sale. Now 11,000 jobs and the pensions and health benefits of more than 65,000 retirees and surviving spouses hang in the balance. LTV and the rest of the steel industry need Congress' assistance in solving this problem. Fast Track is not the answer. While our trade agreements go to great lengths to protect investors and protect property rights, these agreements do not

include enforceable protections for workers or for the environment.

CEOs of multinational corporations tell us that globalization stimulates development and allows nations to improve their environmental and labor record. The truth is, flawed trade agreements cost American jobs, put downward pressure on U.S. wages and working conditions, and erode the ability of government to protect public health and to protect the environment. If we fail to include these important provisions and trade agreements, multinational corporations will continue to dismiss labor and environmental protection as discretionary and wholly unnecessary. Global working conditions, global living conditions will continued to suffer.

We need to press for U.S. trade policy with provisions that protect American workers. We need to press for a U.S. trade policy with provisions that protect the American environment. We have experienced an economic slowdown, a drop in the stock market. Fast Track will not solve that problem, it will only make it worse.

ISRAEL MUST DEFEND ITSELF

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, at a profoundly troubling time in the Middle East, I want to express very strongly my complete support for the right of the government of Israel to defend itself, its existence as a Nation, and its people from the systematic campaign of mass murder that is being inflicted on it. Americans should understand that if we take into account the populations of the two countries, the number of victims of blatant terrorism against unarmed civilians in Israel exceeds in the past few months the number of tragic deaths suffered here in America, and the Israeli government has every right to respond in a way that protects its people.

I say that, Mr. Speaker, as one who was a strong supporter of the peace process that President Clinton encouraged the parties in the Middle East to undertake. I thought that Prime Minister Barak, former Prime Minister Barak, took very creditworthy risks on behalf of peace. I defend the right of the Israeli government to support itself, not because peace is an irrelevancy, but because peace cannot come in an atmosphere of terror. In fact, we should be very clear that the recent terrible, tragic increase in the deaths of innocent people was brought about, in part, by people who are threatened by peace, who do not want to see coexistence of an Israeli and Palestinian State. It is not an accident that as the Bush administration repudiated its past mistake of staying out of the Middle East peace process in their effort to repudiate everything that President Clinton had done, it is not a coincidence that the terror stepped up after the Bush administration sought to increase peace efforts.

The mistake, however, would be to say that the terrorism should be allowed to have an impact. People who argue that the way to end and respond to terrorism in the short run is in some ways to move towards the policies advocated by the terrorists make an error.

I am in favor of some change in Israeli policy. I think that the expansion of settlements is a grave error. I think the Mitchell Commission was right on that point. I think there ought to be movement towards peace. But if that movement is seen to have come as a result of mass murder, it gives an encouragement to the policy of murder.

The second question that has to be addressed here is, can Yasser Arafat in fact put an end to this. People have said well, in defense of Arafat, even if he wanted to put an end to this terror, he could not do it. Those who make that argument, and I am skeptical that anyone really knows the answer, but those who make that argument should be very clear: That is an attack on the peace process. If in fact Arafat confronts a population so imbued with hatred for Israel, so opposed to the notion of a genuine peace that could be acceptable to both sides, that he is powerless to put an end to this systematic murder campaign, then the prospects for peace are very bleak indeed.

I hope that is not the case. I think the Israeli government, with the encouragement and support of the U.S. Government should continue to probe. But we should be very clear that the so-called defense of Arafat, namely that bringing about an end to the terror and bringing about a genuine commitment to peace is beyond his capacity or the capacity of any other Palestinian leader is, in fact, a repudiation of the peace process. And in any case, whether that bleak prospect is what faces us or not, no one can deny the right of the democratically elected government of Israel to defend its people against a systematic campaign of mass murder, and no government should be asked to divert its attention from that most fundamental task of a government, that most fundamental responsibility of government to protect its innocent and unarmed citizens from systematic murder; no one should be diverted from that.

If, in fact, Arafat is sincere and he has the power, we will see that soon. He will genuinely cooperate in putting an end to this campaign. And if not, and if the peace process founders because of that, since no government can be expected to seriously negotiate under the threat of this sort of systematic campaign of terror, then it will be clear where the responsibility lies, and it will not be with the government of Israel.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, judge of all and savior of Your people, prepare the hearts and minds of Your servants that they may attend to Your Holy Word and be moved to reconciliation.

You alone forgive sin. From You alone comes the first movement of grace which changes human hearts. Destroy all false images and idols that all may come to know You, the one true living God.

Be with the Members of the House of Representatives on this National Day of Reconciliation as they join Members of the Senate in solemn assembly to seek the blessings of Your Divine Providence for forgiveness, reconciliation, unity and charity for all people of the United States.

As Members humble themselves in prayer before You, may Your healing Spirit touch profoundly all divided communities across this Nation. Make us one Nation, truly wise, a symbol of equal justice to the world, a responsive partner, defender of life and friend of the poor.

Renewed as Your people, forgiven of our sins, may this Nation be a sign of hope to others as You bring peace and goodwill to earth, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the call of the

Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 3, 2001 at 10:34 a.m.

That the Senate passed without amendment H.R. 1766.

That the Senate passed without amendment H.R. 2261.

That the Senate passed without amendment H.R. 2454.

That the Senate passed without amendment H.J. Res. 71.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN CONYERS, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Deanna Maher, congressional aide to the Honorable JOHN CONYERS, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 2001

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the Washtenaw County Circuit Court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DEANNA MAHER,
Congressional Aide.

PASSAGE OF TRADE PROMOTION AUTHORITY

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, in my home State of Kansas, family farms are no longer able to make ends meet. Farmers tell me it is crucial that we expand markets for their products now or they will not be in business in 10 years.

Today, one in three acres planted by our farmers is harvested for export. We can and should do better.

Trade Promotion Authority is a tool that can boost the profits of American farmers and make them even more self-sufficient. If we streamline the trade agreement process that President Bush must follow, we will have increased competition, economic efficiency, and greater markets for our farm products.

As the key player on the world stage, we should give President Bush our vote of confidence to promote trade without excessive barriers.

I believe in the American farmer, and I trust President Bush. I urge my colleagues to allow the President to create more markets for American grains and products by granting Trade Promotion Authority.

TERRORIST ATTACKS AGAINST ISRAEL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, today the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the House Committee on International Relations, and I will introduce a resolution that categorically condemns this week's outrageous terrorist strikes against the State of Israel and Israeli people.

In the attacks of September 11, our Nation suffered the loss of over 3,000 innocent men, women, and children. Since that fateful day, our ally Israel has suffered a comparable loss. With 6 million citizens compared to our 280 million, Israel's 60 victims since September equates to over 2,700 American victims. Nearly half this number perished in a span of just 14 hours this past weekend.

Mr. Speaker, the United States is currently targeting regimes that harbor terrorists, as well as terrorists themselves. Israel must also target the terrorists' protectors. The Palestinian Authority bears full responsibility for the attacks of December 1 and 2, just as the Taliban bears full responsibility for the attacks of September 11.

I urge all of our colleagues to join the gentleman from Illinois (Mr. HYDE) and me in this resolution expressing solidarity with the people of Israel.

VOTING FOR TRADE PROMOTION AUTHORITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, when we vote in 2 days on Trade Promotion Authority, nothing less than American leadership in the world is at stake.

As we lead the world in an effort to eradicate terrorism, we risk abdicating our position of leadership in an area that is just as vital to America's well-being and that is international trade.

The United States has been falling rapidly behind the rest of the world in international trade. I said rapidly behind. There are more than 130 trade agreements in effect in the world today, but the United States is party to just three.

For the world's most open society, the U.S., which should be leading the charge to open up other countries to our products, this is a sorry state of affairs.

We have a chance on Thursday to reclaim the mantle of leadership by passing TPA. When we do, the exports will go abroad; and the high paying jobs will stay here.

I urge all my colleagues to support TPA.

RECOGNITION OF THE ROLE WOMEN PLAYED IN THE TRAGEDY OF SEPTEMBER 11

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, today I join the other members of the Caucus of Women's Issues at a luncheon to honor women at Ground Zero.

To look at the media reporting, we believe that all who responded were men; but as was the case, there was a need, and the women were there were, firefighters, police officers, construction workers, emergency medical personnel, doctors, nurses and others, putting their lives on the line and in some cases giving their lives.

I want to thank the co-chairs, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from California (Ms. MILLENDER-MCDONALD), for having the NOW legal defense and education fund, and Lieutenant Brenda Berkman there to tell the story of the brave and selfless women who were there with the men to respond in our country's tragic hour of need.

The story brought a tear to many an eye, male and female, not just because of the stories the women told, and they were powerful, but also because once again women were invisible, in the media, in the new recruits, also in the recovery planning; and this is America, not Afghanistan.

This is a potent reminder that women even here are still underrepresented at high levels of business and politics and that we are underpaid and have less opportunity.

As we put our country back on the road to recovery, let us not get back to normal. Let us get better.

HALT STORAGE OF NUCLEAR WASTE AT YUCCA MOUNTAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, here we go again. The General Accounting Office, a nonpartisan congressional investigative agency, is calling on the President and the Department of Energy to indefinitely postpone its decision on whether to build a huge permanent centralized waste storage site at Yucca Mountain, Nevada.

The GAO report calls the plan to bury waste at Yucca Mountain a failed scientific process, echoing the concern I and my fellow Nevadans have expressed for years.

Yet the report goes on further; it warns that the plans the DOE has been showing to Congress and Nevadans may not describe the facilities that DOE would actually develop.

Mr. Speaker, it is obvious that the plan to bury nuclear waste at Yucca Mountain has not only been an obscene waste of taxpayer money but also a huge conspiracy to misrepresent the facts and deceive the American public.

It is time for the DOE to tell the truth. Storing nuclear waste at Yucca Mountain is not a safe plan, and I call upon my colleagues in the Congress to protect the American people and halt Yucca Mountain.

SUPPORT TRADE PROMOTION AUTHORITY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, we hear many reasons why this House should pass legislation to renew Trade Promotion Authority. Today, I rise on behalf of working American families who need TPA.

American families in the bottom 20 percent of the income scale spend 52 percent of their after-tax income on food and clothing. Unfortunately for these hard-working families, food and clothing are the most heavily taxed income sectors, accounting for more than half of U.S. import taxes.

In fact, the average American family of four pays $1,100 every year because of import taxes. Talk about regressive taxation. Families struggling to make ends meet are disproportionately hit by import taxes at the same time our trade negotiators sit on the sidelines, lacking authority to make the deals needed to eliminate these taxes.

Passing TPA will help working families. Let us pass H.R. 3005 and give them a break.

SUPPORTING ISRAEL'S WAR ON TERRORISM

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Mr. Speaker, the scene is one that we know all too well: mindless terrorists attacking the young and the innocent, fleeing civilians with terror in their eyes, and once again, Mr. Speaker, scores of young people, their lives ended by the violent hatred of terrorism. We saw this on our own soil on September 11, and we saw it again this past weekend in Israel.

Mr. Speaker, September 11, while devastating for us, also gave us a sense for what our friends in Israel have been dealing with for decades; but beyond our new understanding of Israeli suffering, September 11 also gave us a new responsibility, to support Israel's own war on terrorism.

I applaud President Bush and the recent comments from Secretary of State Colin Powell. They have recognized that Israel has a right and a responsibility to defend itself.

Mr. Speaker, I ask my colleagues in Congress and the American people to support our friends in Israel as they struggle for peace and security.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

PERIODIC REPORT ON NATIONAL EMERGENCIES WITH RESPECT TO YUGOSLAVIA AND KOSOVO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–154)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a combined 6-month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992, and Kosovo in Executive Order 13088 on June 9, 1998.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 4, 2001.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–155)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 4, 2001.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 7 p.m. today.

RECOGNIZING RADIO FREE EUROPE/RADIO LIBERTY'S SUCCESS IN PROMOTING DEMOCRACY

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests.

The Clerk read as follows:

H. CON. RES. 242

Whereas on May 1, 1951, Radio Free Europe inaugurated its full schedule of broadcast services to the people of Eastern Europe and, subsequently, Radio Liberty initiated its broadcast services to the peoples of the Soviet Union on March 1, 1953, just before the death of Stalin;

Whereas now fifty years later, Radio Free Europe/Radio Liberty (RFE/RL, Inc.) continues to promote democracy and human rights and serve United States national interests by fulfilling its mission ''to promote democratic values and institutions by disseminating factual information and ideas'';

Whereas Radio Free Europe and Radio Liberty were established in the darkest days of the cold war as a substitute for the free media which no longer existed in the communist-dominated countries of Central and Eastern Europe and the Soviet Union;

Whereas Radio Free Europe and Radio Liberty developed a unique form of international broadcasting known as surrogate broadcasting by airing local news about the countries to which they broadcast as well as providing regional and international news, thus preventing the communist governments from establishing a monopoly on the dissemination of information and providing an alternative to the state-controlled, party dominated domestic media;

Whereas the broadcast of uncensored news and information by Radio Free Europe and Radio Liberty was a critical element contributing to the collapse of the totalitarian communist governments of Central and Eastern Europe and the Soviet Union;

Whereas since the fall of the Iron Curtain, RFE/RL has continued to inform and therefore strengthen democratic forces in Central

Europe and the countries of the former Soviet Union, and has contributed to the development of a new generation of political and economic leaders who have worked to strengthen civil society, free market economies, and democratic government institutions;

Whereas United States Government funding established and continues to support international broadcasting, including RFE/RL, and this funding is among the most useful and effective in promoting and enhancing the Nation's national security over the past half century;

Whereas RFE/RL has successfully downsized in response to legislative mandate and adapted its programming to the changing international broadcast environment in order to serve a broad spectrum of target audiences—people living in fledgling democracies where private media are still weak and do not enjoy full editorial independence, transitional societies where democratic institutions and practices are poorly developed, as well as countries which still have tightly controlled state media;

Whereas RFE/RL continues to provide objective news, analysis, and discussion of domestic and regional issues crucial to democratic and free-market transformations in emerging democracies as well as strengthening civil society in these areas;

Whereas RFE/RL broadcasts seek to combat ethnic, racial, and religious intolerance and promote mutual understanding among peoples;

Whereas RFE/RL provides a model for local media, assists in training to encourage media professionalism and independence, and develops partnerships with local media outlets in emerging democracies;

Whereas RFE/RL is a unique broadcasting institution long regarded by its audience as an alternative national media that provides both credibility and security for local journalists who work as its stringers and editors in the broadcast region; and

Whereas RFE/RL fosters closer relations between the United States and other democratic states, and the states of Central Europe and the former Soviet republics: Now therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the editors, journalists, and managers of Radio Free Europe/Radio Liberty on a half century of effort in promoting democratic values, and particularly their contribution to promoting freedom of the press and freedom of expression in areas of the world where such liberties have been denied or are not yet fully institutionalized; and

(2) recognizes the major contribution of Radio Free Europe/Radio Liberty to the growth of democracy throughout the world and its continuing efforts to advance the vital national interests of the United States in building a world community that is more peaceful, democratic, free, and stable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

□ 1415

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 242, the concurrent resolution under consideration.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume, and simply stress that this resolution recognizes 50 years of outstanding broadcasts by Radio Free Europe/Radio Liberty.

Earlier this year, we celebrated the one-half century of service of Radio Free Europe/Radio Liberty, and now we bring before this House a resolution to memorialize this occasion: Today, RFE/RL continues its mission to promote democratic values and institutions by disseminating factual information and ideas, thus expressing the idealism of the American experience.

As we face the war against terrorism and continued suppression of free media in many countries, it is clear that there remains a compelling mission for U.S. support of international broadcasting to provide factual information about world events and events within a given country.

The resolution before us recognizes the work of the broadcasters, the editors, the journalists, and the managers of RFE/RL, who see their work not just as a job but as a mission. Daily, they bring hope to people who do not have access to fair and independent media.

I urge my colleagues to support this resolution to formally recognize the work and successes of Radio Free Europe/Radio Liberty and our support for their ongoing work to promote democratic values around the world.

Before reserving the balance of my time, let me just say I am particularly appreciative of the work of the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), the gentleman from California (Mr. BERMAN), the gentleman from New Jersey (Mr. SMITH), and the gentleman from California (Mr. ROYCE), and so many others for their strong support of public diplomacy of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I would like to add to that good list of names the gentleman just recited the name of my dear friend, the gentleman from California (Mr. LEACH), who has made such enormous contributions to this issue and to all other issues before our committee.

Mr. Speaker, I rise in strong support of this resolution. I was pleased to join the gentleman from Illinois (Mr. HYDE) in introducing this important resolution, Mr. Speaker, and I commend the chairman for his initiative.

As the United States mounts an intensive public diplomacy campaign in the Middle East in support of our war on terrorism, it is critical that we reflect on our Nation's past success in amplifying American values around the globe through the airwaves. Radio Free Europe and Radio Liberty stand as shining examples of the power of American democratic values and the potential of public diplomacy to advance United States national interests.

Since the founding of Radio Free Europe a half a century ago and the founding of Radio Liberty 48 years ago, these two broadcasting services have provided people around the world with hope and support in their struggle against repression. During the Cold War, Mr. Speaker, Radio Free Europe/Radio Liberty responded to the yearnings of those people who were suffering under the yoke of Communism and the Soviet Union in Eastern Europe. Since the fall of the Berlin Wall, the two broadcasting services have adapted their missions, reformed their institutions, and extended their reach to Iraq, Iran, Afghanistan, and beyond.

As a young man in occupied Hungary during the Second World War, I recall the inspirational and liberating broadcasts of the BBC, and I can testify personally to the dramatic effect those radio programs had in providing hope to people denied basic information.

Unlike the dictators whom we resist, we have truth on our side. Democracy and the market economy are destined to prevail. To hasten this state, we must promote aggressively our values by all means of communication available to us. Radio Free Europe and Radio Liberty are among the most effective tools in our public diplomacy toolbox, and they deserve our continued and strong support.

I commend Radio Free Europe and Radio Liberty on 50 years of distinguished service to our Nation, and I ask all of my colleagues to join me in wishing this great organization many more years of success by supporting this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume to just again compliment the gentleman from California (Mr. LANTOS), whose visions on these issues have been nothing less than extraordinary.

Mr. GILMAN. Mr. Speaker, I would like to voice my ardent support for H. Con. Res. 242, which congratulates Radio Free Europe/Radio Liberty for its half century of work in promoting democratic values, and recognizes the organization's contribution to the growth of democracy throughout the world, as we strive toward creating a world of free democratic states living in peace with one another.

One of the most effective, efficient ways to promote the growth of democratic institutions on every continent is for Americans to communicate directly with people in other countries. For 50 years, Radio Free Europe/Radio Liberty has continued to broadcast daily news, analysis, and current affairs programming in a coherent, objective manner throughout the world. Radio Free Europe/Radio Liberty programs continue to provide 35 million listeners with balanced, reliable information, aimed at bolstering democratic development and market economies in countries where peaceful evolution to civil societies is of vital national interest to the United States.

With the advent of the war on terrorism, it becomes vital that Radio Free Europe/Radio Liberty continues to demonstrate to other societies how having the freedom to live and do business creates a dynamic economy and a vibrant society. Explaining the value of freedom by directly communicating with the general population of other countries and their power elites is the best example of public diplomacy.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GEORGE P. SHULTZ NATIONAL FOREIGN AFFAIRS TRAINING CENTER

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3348) to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

The Clerk read as follows:

H.R. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THE GEORGE P. SHULTZ NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

(a) IN GENERAL.—

(1) Section 701(a) of the Foreign Service Act of 1980 (22 U.S.C. 4021(a)) is amended by adding at the end the following: ''The institution shall be designated the 'George P. Shultz National Foreign Affairs Training Center' ''.

(2) Any reference in any provision of law to the National Foreign Affairs Training Center or the Foreign Service Institute shall be considered to be a reference to the George P. Shultz National Foreign Affairs Training Center.

(b) CONFORMING AMENDMENTS.—

(1) Section 53 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2725) is amended—

(A) in the section heading by inserting ''GEORGE P. SHULTZ'' after ''THE''; and

(B) by inserting ''George P. Shultz'' after ''use of the''.

(2) Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended by inserting ''George P. Shultz'' after ''director of the''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3348, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume, and let me welcome this opportunity to bring H.R. 3348 to the House floor. The bill designates the National Foreign Affairs Training Center after a distinguished American, George Shultz.

Mr. Shultz, among his many achievements, was responsible for creation of the new Foreign Service training facility established in Arlington, Virginia. He undertook the difficult task of convincing Congress that the funding of the new campus would be an investment in the future of our foreign affairs community. In 1993, the professional and modern facilities opened as the National Foreign Affairs Training Center.

Secretary Shultz has a strong belief that the Nation should have a permanent home for training U.S. Government officials that serve overseas. Since 1947, the State Department has operated an in-service training facility, but by the late 1980s, it was apparent that there was a need for expanded course offerings and a larger facility to accommodate the increased number of participants. Secretary Shultz successfully pursued his goal to have a first-rate training facility established, which today has an enrollment of approximately 30,000 a year.

As thrice a graduate of courses at the old Foreign Service Institute, it is an honor to bring this bill before the House. As a longtime admirer of the public service of Secretary Shultz, it is a particular honor to help bring his vision to reality.

I would urge strong support for this resolution and again would commend my good friend, the gentleman from California (Mr. LANTOS), for his support for this initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. And let me just say at the outset that one of the many reasons why the contributions of the gentleman from Iowa (Mr. LEACH) to the work of this body and to the Committee on International Relations is of such high quality is because of his earlier service as a member of our Foreign Service. He exemplifies the extraordinary talent of our diplomatic corps, and I want to commend him for bringing this legislation to our attention.

Mr. Speaker, I am delighted to cosponsor this bill with the gentleman from Illinois (Mr. HYDE) because Secretary George Shultz deserves all the recognition that this Congress and the American people may offer. George Shultz was a brilliant Secretary of State and he guided the United States through a most critical time in our Nation's history.

I was a member of the Committee on International Relations during Secretary Shultz's entire tenure, and I have the highest regard for him both professionally and personally. After leaving Washington, Secretary Shultz made the wise decision to return to my area of the country, the San Francisco Bay area, and I have been delighted to claim him both as a constituent and as a friend.

George Shultz is proud of his Princeton and Marine Corps background, and he has provided a quality of integrity and intelligence and commitment to public service which is truly extraordinary. He may have left the government and moved away from Washington, but George continues to be actively engaged in our foreign policy and committed to strengthening and supporting the Department of State and the men and women who work there. I think it is more than fitting that this great institution that he worked so hard to establish, that he has been so dedicated to, should bear his name.

The Foreign Service Institute was originally created in 1943, and it provides training to the State Department and 43 other Federal agencies, providing instruction to over 30,000 U.S. Government employees every year in 63 foreign languages as well as in courses on management, leadership, diplomacy, security, economics, and other valuable skills and subjects.

Secretary Shultz was instrumental in obtaining the land and the funding to move the Institute to its current home on a 72-acre plot at the National Foreign Affairs Training Center in Arlington, Virginia. I am indeed proud to be a cosponsor of this bill to designate the National Foreign Affairs Training Institute as the George P. Shultz National Foreign Affairs Training Center.

I thank the chairman and the gentleman from Iowa (Mr. LEACH) for their leadership on this issue. I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROYCE).

□ 1430

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think that it is indeed proper that the many achievements of George P. Shultz be recognized by the naming of this new National Foreign Affairs Training Center after Mr. Shultz.

As well as commending the gentleman from Iowa (Mr. LEACH) for the gentleman's efforts, I also commend the ranking member, the gentleman from California (Mr. LANTOS), for the bill that he brought up prior to this

measure, and take a moment, if I could, to speak about the importance of commemorating the 50th anniversary of Radio Free Europe and Radio Liberty.

I think it is important that we remember within 10 minutes of the establishment of Radio Free Europe, the Soviets were already attempting in 1951 to jamb those broadcasts, and yet those broadcasts got through. What Joseph Stalin was afraid of was what was being told over the air waves. He was afraid of the truth; Radio Free Europe/Radio Liberty developed a rather unique form of international broadcasting. We call that today surrogate radio, airing local news about the countries to which they broadcast, operating as if they had a free and vibrant press.

During the Cold War, these radios brought the news of the Hungarian revolution of 1956, the Prague uprising of 1968, and most importantly, the rise of the solidarity movement in Poland. And when we talk with the leaders of the Czech Republic or Poland, they say that the hearts and minds of people were turned by the opportunity to listen every day to a radio broadcast which explained what was actually happening inside their country. These broadcasts were able to explain and to put into context what people were hearing from the Soviet broadcasts, and over time we know that this was the most effective single thing that changed the attitudes of the average person in Eastern Europe, we know that from the leaders of these countries today. They were critical in contributing to the collapse of communism, the collapse of the totalitarian governments of Eastern Europe and the former Soviet Union. And besides its outstanding impact behind the Iron Curtain during the Cold War, the radios also aided in Afghanistan from 1985–1993 during the Soviet invasion.

Radio Free Europe/Radio Liberty still continues to tell the truth, countering dictators like Saddam Hussein. Saddam Hussein has long complained that Radio Free Iraq is, in his words, an act of aggression. The Iraqi dictator has become so irked by his attempt to undermine his control over the media that Saddam Hussein instructed his intelligence officials, and apparently recently there has been a plot uncovered by Iraq to bomb Radio Free Europe's headquarters in Prague.

Last month this House passed legislation authored by myself and the gentleman from California (Mr. BERMAN) to re-create Radio Free Afghanistan by a margin of 405 to two. The Taliban is on its way out; but if Afghanistan is to have a chance of becoming stable, if its various factions and ethnic groups are to strike a workable governing accord, the country will need free-flowing, accurate news information.

Unfortunately, the country is starting from scratch. What media the Taliban did not corrupt, it destroyed. Looking ahead at the great challenges Afghanistan faces, it is clear to those that are on the ground that a credible and effective media will not emerge any time soon. This legislation will provide for 12 hours of broadcasting a day in the two major dialects of Afghanistan, and that is vital to the peace and stability in that country. The bill awaits action by the other body. Radio Free Europe has been heard by individuals with a message of hope and freedom for the past 50 years, and I commend Radio Free Europe and Radio Liberty on their anniversary.

Mr. Speaker, I wanted to speak on behalf of the measure of the gentleman from California (Mr. LANTOS), and also speak on the appropriate resolution today for a very distinguished American, George P. Shultz, and to thank the gentleman from Iowa (Mr. LEACH) for bringing that resolution to the floor.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, George P. Shultz began his career in the South Pacific in World War II. He is ending his career, to the degree it is ending, and we hope it is not fully, with a bill aimed in his honor, a facility designed to prevent further wars. I think this could not be more fitting.

Mr. GILMAN. Mr. Speaker, long before the current emphasis on training for the foreign affairs community, George Shultz had a vision of a world-class foreign affairs training center for those who staff our foreign affairs establishment. That vision eventually became the National Foreign Affairs Training Center in Arlington, Virginia, which by this act, we name it after Secretary Shultz.

With all due respect to the current occupant of that office, George Shultz is in my estimation the finest person I have had the honor of working with during his or her service as Secretary of State. He played an enormous role in the tremendous expansion of the scope of liberty in the world during the Reagan Administration, all while protecting our national security from real threats. At times, he suffered the slings and arrows of fierce partisan attack, as he advanced the sometimes unpopular policies of his Administration. He did so always with inspiring grace and intellectual honesty.

If those who serve our Nation in foreign affairs were to model themselves after George Shultz, we would do well indeed. Let us help keep his spirit in their consciousness by naming the facility he planned after this visionary Secretary of State, our friend George Shultz.

I urge all my colleagues to support this tribute to an outstanding American, Secretary of State, George P. Shultz.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3348.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HUNGER TO HARVEST: DECADE OF SUPPORT FOR SUB-SAHARAN AFRICA RESOLUTION

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Con. Res. 102) relating to efforts to reduce hunger in sub-Saharan Africa, as amended.

The Clerk read as follows:

H. CON. RES. 102

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the ''Hunger to Harvest: Decade of Support for Sub-Saharan Africa Resolution''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Despite some progress in recent years, sub-Saharan Africa enters the new millennium with many of the world's poorest countries and is the one region of the world where hunger is both pervasive and increasing.

(2) Thirty-three of the world's 41 poorest debtor countries are in sub-Saharan Africa and an estimated 291,000,000 people, nearly one-half of sub-Saharan Africa's total population, currently live in extreme poverty on less than $1 a day.

(3) One in three people in sub-Saharan Africa is chronically undernourished, double the number of three decades ago. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition.

(4) Sub-Saharan Africa is the region in the world most affected by infectious disease, accounting for one-half of the deaths worldwide from HIV/AIDS, tuberculosis, malaria, cholera, and several other diseases.

(5) Sub-Saharan Africa is home to 70 percent of adults, and 80 percent of children, living with the HIV virus, and 75 percent of the people worldwide who have died of AIDS lived in Africa.

(6) The HIV/AIDS pandemic has erased many of the development gains of the past generation in sub-Saharan Africa and now threatens to undermine economic and social progress for the next generation, with life expectancy in parts of sub-Saharan Africa having already decreased by 10–20 years as a result of AIDS.

(7) Despite these immense challenges, the number of sub-Saharan African countries that are moving toward open economies and more accountable governments has increased, and these countries are beginning to achieve local solutions to their common problems.

(8) To make lasting improvements in the lives of their people, sub-Saharan Africa governments need support as they act to solve conflicts, make critical investments in human capacity and infrastructure, combat corruption, reform their economies, stimulate trade and equitable economic growth, and build democracy.

(9) Despite sub-Saharan Africa's enormous development challenges, United States companies hold approximately $12,800,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union,

including the Russian Federation. This economic relationship could be put at risk unless additional public and private resources are provided to combat poverty and promote equitable economic growth in sub-Saharan Africa.

(10) Bread for the World Institute calculates that the goal of reducing world hunger by one-half by 2015 is achievable through an increase of $4,000,000,000 in annual funding from all donors for poverty-focused development. If the United States were to shoulder one-fourth of this aid burden—approximately $1,000,000,000 a year—the cost to each United States citizen would be one penny per day.

(11) Failure to effectively address sub-Saharan Africa's development needs could result in greater conflict and increased poverty, heightening the prospect of humanitarian intervention and potentially threatening a wide range of United States interests in sub-Saharan Africa.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should declare ''A Decade of Support for Sub-Saharan Africa'';

(2) not later than 90 days after the date of adoption of this concurrent resolution, the President should submit a report to Congress setting forth a five-year strategy, and a ten-year strategy, to achieve a reversal of current levels of hunger and poverty in sub-Saharan Africa, including a commitment to contribute an appropriate United States share of increased bilateral and multilateral poverty-focused resources for sub-Saharan Africa, with an emphasis on—

(A) health, including efforts to prevent, treat, and control HIV/AIDS, tuberculosis, malaria, and other diseases that contribute to malnutrition and hunger, and to promote maternal health and child survival;

(B) education, with an emphasis on equal access to learning for girls and women;

(C) agriculture, including strengthening subsistence agriculture as well as the ability to compete in global agricultural markets, and investment in infrastructure and rural development;

(D) private sector and free market development, to bring sub-Saharan Africa into the global economy, enable people to purchase food, and make health and education investments sustainable;

(E) democratic institutions and the rule of law, including strengthening civil society and independent judiciaries;

(F) micro-finance development; and

(G) debt relief that provides incentives for sub-Saharan African countries to invest in poverty-focused development, and to expand democratic participation, free markets, trade, and investment;

(3) the President should work with the heads of other donor countries and sub-Saharan African countries, and with United States and sub-Saharan African private and voluntary organizations and other civic organizations, including faith-based organizations, to implement the strategies described in paragraph (2);

(4) Congress should undertake a multi-year commitment to provide the resources to implement those strategies; and

(5) 120 days after the date of adoption of this concurrent resolution, and every year thereafter, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate Federal departments and agencies, should submit to Congress a report on the implementation of those strategies, including the action taken under paragraph (3), describing—

(A) the results of the implementation of those strategies as of the date of the report, including the progress made and any setbacks suffered;

(B) impediments to, and opportunities for, future progress;

(C) proposed changes to those strategies, if any; and

(D) the role and extent of cooperation of the governments of sub-Saharan countries and other donors, both public and private, in combating poverty and promoting equitable economic development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 102, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the cooperation of the majority leader, the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for allowing the House to consider this Hunger to Harvest: Decade of Support for sub-Saharan Africa Resolution.

The bill was introduced by the gentleman from New Jersey (Mr. PAYNE) and me earlier this year and currently has 150 cosponsor, including many of our colleagues on the Committee on International Relations. The amendment in the nature of a substitute that the committee is offering today conforms the House version with similar language already passed by the Senate.

This resolution expresses the sense of the Congress that the United States should commit itself to acting with its partners in sub-Saharan Africa to reduce poverty and hunger on the subcontinent over the next decade.

What is most extraordinary about the 20th century in relation to the rest of human history is that economic and social development, coupled with modern medicines, caused the life spans of human beings to double on much of the planet. Tragically, the exception has been in Africa, particularly sub-Saharan Africa, where not only have life spans not been extended, but life has been shortened in the last several decades.

While sub-Saharan Africa has tremendous untapped human and economic potential, for the most part the region has not prospered. Indeed, in all of the developing regions of the world, the severity of poverty and malnutrition is greatest in that sub-continent and is also growing at the fastest rate on the Earth. Roughly 290 million people in the region, nearly half the total population, live on less than a dollar a day.

Mr. Speaker, 33 of the world's 41 most heavily indebted poor countries are in sub-Saharan Africa. According to the World Bank, those more vulnerable to poverty live in rural areas in large households which are often headed by women.

In addition, the scourge of HIV/AIDS is fast reversing many of the modest social gains which have been achieved in recent years. There are many causes for this distressing state of affairs: interstate conflict, natural disaster, corruption, underdeveloped private sectors, to name a few. While the people of sub-Saharan Africa must take ultimate responsibility for the success or failure of these countries, the United States has the moral obligation and resources to help improve the lives of millions of people living there.

This resolution directs the Agency for International Development to devise 5- and 10-year strategic plans in health, education and agriculture, and for promoting free market economies, trade investment, democracy, and the rule of law.

In closing, I would like to acknowledge the extraordinary leadership of America's faith-based community, churches, synagogues, mosques and associated institutes like Bread for the World and its thoughtful president, David Beckman, for compelling support for this resolution. It is this private, faith-based community that has awakened the conscience of the world on the need to confront the moral and development challenges of issues such as debt relief and world hunger. In their name, I urge passage of this resolution.

Before turning to the distinguished ranking member of the committee, let me thank the gentleman for his leadership and that of course of the gentleman from New Jersey (Mr. PAYNE), which has been so extraordinary on this subject.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. First, I would like to commend the gentleman from Iowa (Mr. LEACH) for introducing this important resolution. I want to commend our Chair, the gentleman from Illinois (Mr. HYDE); and I certainly pay tribute to the chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE), and to the ranking member, the gentleman from New Jersey (Mr. PAYNE), whose contribution on the subject of Africa and indeed on all subjects coming before our committee is immeasurable in importance.

Mr. Speaker, each night more than 800 million people around the globe, many of them children, go to bed not knowing if they will have enough to eat the next day. Most of these poor and hungry souls live in sub-Saharan Africa. In Africa, hunger is both pervasive and growing. The sad truth is that hunger, poverty, and disease go hand in hand. A poor and hungry mother has few defenses against tuberculosis, malaria, cholera, HIV–AIDS, and other

deadly diseases when hunger, too, gnaws at her body and saps her spirit.

Some of Africa's poverty is caused by decades of civil strife where the sole purpose of conflict is to rob the nation of its wealth. Resource wars fought over diamonds, oil, or simply the largess of the state leave little behind for the citizens of the nation. Mr. Speaker, this must end. These wars leave farming areas seeded with land mines instead of maize. Young boys stripped of their innocence become vicious child soldiers instead of school boys. War lords reap millions in personal gain.

Global indifference, Mr. Speaker, has caused some of the Africa's poverty. The ubiquitous faces of hungry African children cease to stir concern in rich countries as new crises arise that affect our own lives. One is only stirred from the seeming banality of Africa's hunger when one truly looks into the eyes of a malnourished child or a helpless mother. It has become too easy to turn away and worry instead about tax relief or global trade or school reform.

Mr. Speaker, taxes, trade and education matter; but they do not relieve us of our obligation to care for Africa's poor and hungry. Despite immense challenges, the number of sub-Saharan African countries digging deep to find local solutions to their problems is growing. They are moving toward open economies and more accountable and transparent government. To make long-term, sustainable improvements in the lives of their people, African governments need the support that we can give them to resolve their conflicts, make critical investment in human capacity and infrastructure, combat corruption, reform their economies, and ultimately build democracy. They do not need handouts, but they certainly do need us to join hands.

Mr. Speaker, we can come together with those African leaders who are ready to act responsibly. We can build strong economic relationships that combat poverty and promote equitable economic growth in Africa. Together we can address effectively Africa's human needs and bring about a continent with a different face, a face no longer filled with hunger, hopelessness and despair, but one etched with promise, prosperity and hope.

□ 1445

Mr. Speaker, the Hunger to Harvest Resolution is a very important piece of legislation. Its passage will put Congress on record in support of efforts to alleviate hunger in Africa, and I ask every one of our colleagues to vote in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation, and I rise to commend the gentleman from Iowa (Mr. LEACH) for his humanitarian efforts and his work over the years with AID and his efforts to bring focus on this issue of hunger in Africa, and also to commend the gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa, for his efforts to raise before this body this critically important issue of what we can do to reduce hunger in sub-Saharan Africa.

Far too little progress has been made over the years in fighting hunger. I believe that Congress has taken several tangible steps, in addition to this Hunger to Harvest legislation, that have helped in some way to reduce poverty and hunger in Africa. One that I wanted to focus on for just a minute was the fact that in May of 2000, after years of effort, Congress passed and the President signed into law the African Growth and Opportunity Act. Although the bill has only been in effect for a year, it has had a very positive development impact in terms of some of the poorest African countries.

I will give my colleagues two examples: Malawi and Madagascar, two of the world's poorest countries, have experienced a 70 percent and 120 percent increase respectively in trade with the United States, causing a direct increase there in jobs and causing an increase in income to the neediest people in those countries; and that means food on the plates of children who might otherwise not eat, and shoes on their feet.

Mr. Speaker, we should do more in fighting hunger in Africa, and this resolution focuses on that issue, and we should also do more to promote trade with Africa, which is good for African countries and, frankly, good for America too. With a global economic slowdown underway, Africa is one of the few regions in the world, frankly, where we are increasing trade, and Africa wants to do business with the United States.

The U.S. has a growing commercial interest there. It has a growing strategic interest in Africa which has been described as the ''soft underbelly'' in our war against terrorism but, most important for us, the U.S. has an important humanitarian interest there. America has always had that humanitarian interest in Africa. I want to commend these Members of Congress who have routinely tried to keep that focus on that issue, and it is that interest that the Hunger to Harvest legislation speaks to.

So I again wanted to commend the gentleman from Iowa (Mr. LEACH) and to commend the gentleman from New Jersey (Mr. PAYNE) for their efforts.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), my dear friend, who has been our leader on our side of the aisle on all issues relating to these matters.

Mr. PAYNE. Mr. Speaker, I rise in strong support of H. Con. Res. 102.

Let me thank the gentleman from Illinois (Mr. HYDE) for moving this important piece of legislation through and the ranking member, the gentleman from California (Mr. LANTOS), whose long interest in foreign affairs throughout the world and his own experience has been an example of leadership to our committee. Let me commend the gentleman from California (Mr. ROYCE), who has led the Subcommittee on Africa into a forward-moving committee, and the gentleman from Iowa (Mr. LEACH), who not only on this bill dealing with hunger, but his leadership on legislation focusing the attention of the Global AIDS Fund with the gentlewoman from California (Ms. LEE), who should be commended for his tireless effort on behalf of people of the world who are less fortunate.

While the Nation's attention is understandably with the war in Afghanistan, Congress has made a firm pledge to poor and hungry people in Africa with this legislation, H. Con. Res. 102, Hunger to Harvest: A Decade of Concern for Africa, which calls for significant new poverty-focused development assistance to sub-Saharan Africa. Hunger to Harvest would increase poverty-focused assistance to sub-Saharan Africa by $1 billion. According to Bread for the World, the national grass-roots organization that works with antihunger programs, and they have actively lobbied for this bill, a commitment of $4 billion a year from the G–8 countries would cut world hunger in half by the year 2015. The U.S. share of that would be $1 billion, which translates into a mere penny a day for each American. We can certainly afford that. We have the means to effectively attack hunger and we have the means to feed every child in the world where, as it has been mentioned, 200 million children out of 800 million people go hungry every day. We have the means to save the precious lives of innocent children when, in developing countries, 6 million children die every year, mostly because of hunger-related illnesses.

The world produces enough food to feed its growing population, so the issue is not the sufficiency of food. The issue is about access and distribution. The long-term solution to hunger in sub-Saharan Africa, therefore, must include strengthening agriculture as a source of food and income and improving basic health and education in sub-Saharan Africa.

We cannot as a country say we are for development and not deal with the issue of hunger, which inhibits progress, growth, and life, nor can we effectively fight the war on terrorism and win if we do not deal with conditions of hunger and poverty which can lead to feelings of disillusionment and marginalization. Helping Africa work its way to prosperity is not only the right thing to do but it also makes good sense to America's workers. The United States holds approximately $13 billion in investments in sub-Saharan Africa, more than in the Middle East or Eastern Europe, and the total U.S. trade with sub-Saharan Africa exceeds that of the entire former Soviet Union.

What Congress will do in enthusiastically passing the Hunger to Harvest Resolution is join our G–8 partners and the World Bank in expressing support for the long-term development initiatives of African governments as expressed in the new Program for African Development announced by Presidents Mbeki of South Africa, Obasanjo of Nigeria, Wade of Senegal, and Bouteflika of Algeria.

I have been inspired by this bipartisan effort and by the work of Bread for the World. With more than a third of the Members of the House cosponsoring this resolution from both sides of the aisle, I think together we can fight hunger and poverty in Africa. Let me once again commend the gentleman from Iowa (Mr. LEACH) who has fought tirelessly to reach this milestone. While our two parties may disagree on some issues, it is wonderful to see that ending hunger and aiding in Africa's development is something we can all agree on.

At a time when more and more Americans say the U.S. would benefit from greater involvement in world affairs, America has helped put Congress on record.

Mr. Speaker, I ask our colleagues to pass this bill.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, let me again thank the gentleman from California (Mr. LANTOS), the gentleman from New Jersey (Mr. PAYNE), and the gentleman from California (Mr. ROYCE) for their leadership on so many African issues. Symbolically, this bill is about the world family, about kids and their grandparents. If we keep our priorities right, the likelihood of moral and national splintering becomes remote. If, on the other hand, we wear blinkers, chaos is inevitable. The American national spirit, as well as our national interest, is interlinked with the commitment to end despair in the furthest reaches of the globe. Hope is the only hope for the world today.

Mr. GILMAN. Mr. Speaker, I would like to take time to voice my support for H. Con. Res. 102. Sub-Saharan Africa is clearly a region afflicted by poverty. Despite some positive economic and political changes in sub-Saharan Africa, it remains an area of the world where hunger is pervasive and steadily increasing with one of every three persons being chronically undernourished. This hunger has multiple causes, including severe poverty, the HIV/AIDS pandemic, civil wars, continued foreign debt, degraded land, and inadequate education.

African nations need additional U.S. aid to develop their human and natural resources—and thereby strengthen their capacity to deal with hunger, poverty, and related problems. Sub-Saharan Africa needs additional resources to improve farming and support farmer-owned businesses; help prevent and treat HIV/AIDS, malaria, tuberculosis, and other infectious diseases; encourage the enrollment of more children in school; and help develop microenterprises and other business opportunities.

However, assistance alone will not solve their problems. Although such poverty-focused development aid has proven effective, our efforts to assist sub-Saharan Africans to overcome poverty must remain focused on encouraging their participation in the private sector. The foundation for sustained economic growth in sub-Saharan Africa depends upon the development of an environment receptive to trade and investment. This can only be brought about by investments in human resources, domestic economic development, the implementation of free market policies, and the widespread application of the rule of law and democratic governance by the sub-Saharan nations themselves.

I urge support for this measure.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H. Con. Res. 102, the Hunger to Harvest Resolution: A Decade of Concern for Africa. Additionally, this Member, as a cosponsor of this resolution, would like to thank the distinguished gentleman from Iowa (Mr. LEACH) and the distinguished gentleman from New Jersey (Mr. PAYNE) for introducing this important legislation.

Mr. Speaker, the terrorist attacks of September 11th highlighted the extent to which American security is placed at risk when the U.S. fails to provide development aid and assistance to areas in peril of falling into the hands of unfriendly regimes. Indeed, sub-Saharan Africa currently faces many of the same conditions which coalesced to create the Afghanistan in which the Taliban has thrived. Much of sub-Saharan Africa has fought ravaging civil wars, demoralizing poverty, recurring droughts, and debilitating disease.

This country's own long-term security depends to a large extent on stability in sub-Saharan Africa. The mirco-enterprise, agriculture development, debt relief, and health programs which are outlined in this bill have the potential to serve as key investments in preventing terrorism against the U.S. and against U.S. interests.

Mr. Speaker, this Member strongly urges his colleagues to vote for H. Con. Res. 102.

Mr. MATHESON. Mr. Speaker, I am grateful today for the opportunity to speak on a topic that is important to all Americans.

The issue of hunger in sub-Saharan Africa strikes at the very core of our nation's values. The current situation in this part of the world is both alarming and poignant. Many of the people in this region suffer from disease, malnutrition, and hunger. The suffering of so many is attributed to the lack of such basic needs as food and adequate shelter which makes the situation all the more disturbing.

Currently the American people are focused on overcoming recent tragedy and forging new roads toward progress and prosperity. The humanity and compassion that the people of this nation have displayed transcends geographical borders. As noted in H. Con. Res. 102, the majority of Americans want to see the United States, along with the rest of the world, join together in a concerted effort to alleviate world hunger.

As the United States leads the world into the twenty-first century, we must ensure that we leave no one behind. There is a risk that if left unresolved, the gap between rich and poor nations of the world will only increase. It is important that the United States lead the world in showing a real commitment to eliminating the suffering of the world's hungry. While it is important that we act quickly, we must also be willing to persevere in order to create real and lasting change.

Sub-Saharan Africa is a region fraught with many problems. One in three people are chronically undernourished, leading one-seventh of all children to die before they are five years old. Upwards of 70 percent of all AIDS patients reside in sub-Saharan Africa, and though almost half of its population survives on less than $1 a day, U.S. companies hold $15 billion in investments there—more than either the Middle East or Eastern Europe.

Mr. Speaker, I am confident that this resolution takes the necessary steps to begin substantial change. H. Con. Res. 102 calls for the engagement of other nations in a multi-lateral effort to be conducted for several years. Through a multi-year commitment to funding health, education, agriculture, and micro-finance programs, as well as debt relief, we can show our commitment to real progress. I encourage my colleagues to vote for this resolution, declare ''A Decade of Concern'' for sub-Saharan Africa, and begin the process of alleviating this human suffering.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to express my strong support for H. Con. Res. 102. This resolution highlights the stark realities facing the African sub-continent at the precipice of this millenium, and highlights the commitments that the United States must make in order to further the health and safety of the African peoples.

The findings in this resolution tell a stark story. Africa is the one area of the world where hunger is both pervasive and increasing; 33 of the 41 poorest debtor countries are in sub-Saharan Africa. Nearly half of the total population of this geographic population lives on less than $1 a day; 70 percent of the adults and 80 percent of children living with HIV are in Africa, and two-thirds of worldwide deaths due to the ravages of AIDS have taken place there.

Mr. Speaker, the American people overwhelmingly think that the U.S. should commit to cutting world hunger in half by 2015. Private organizations such as Bread of the World estimate that the U.S. burden for this project would be around a penny per day. This makes Congress' action here that much more important.

Mr. Speaker, I share the sense of this body that ''a moral people cannot tolerate the existence of hunger, poverty, and disease in any part of the world.'' This nation should declare a ''Decade of Concern for Africa'' and commit to increased levels of poverty focused development assistance across sub-Saharan Africa. I agree that this support should be focused on the immediate needs of the African Diaspora by directing funding toward health and HIV prevention, education and equal learning for girls and women, agriculture and sustainable development, and bilateral and multilateral debt relief that acknowledges the West's role in creating instability in Africa.

By passing this resolution, this Congress moves closer to my goal of a stable, healthy, and viable Africa for all its nations and peoples. This body follows the efforts of the Congressional Black Caucus to highlight the horrific conditions at play in the region. In light of the U.S. actions during the recent U.N. Conference Against Racism held in South Africa,

this resolution establishes that the American people are humane and compassionate.

Mr. Speaker, I am again happy to support this resolution, and encourage all members to further its goals of a stable, healthy, and hunger-free Africa.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 102, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 494) to provide for a transition to democracy and to promote economic recovery in Zimbabwe, as amended.

The Clerk read as follows:

S. 494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zimbabwe Democracy and Economic Recovery Act of 2001''.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. DEFINITIONS.

In this Act:

(1) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term ''international financial institutions'' means the multilateral development banks and the International Monetary Fund.

(2) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

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

(1) Through economic mismanagement, undemocratic practices, and the costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and modernization of Zimbabwe's economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

(2) In September 1999 the IMF suspended its support under a ''Stand By Arrangement'', approved the previous month, for economic adjustment and reform in Zimbabwe.

(3) In October 1999, the International Development Association (in this section referred to as the ''IDA'') suspended all structural adjustment loans, credits, and guarantees to the Government of Zimbabwe.

(4) In May 2000, the IDA suspended all other new lending to the Government of Zimbabwe.

(5) In September 2000, the IDA suspended disbursement of funds for ongoing projects under previously-approved loans, credits, and guarantees to the Government of Zimbabwe.

(b) SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.—

(1) BILATERAL DEBT RELIEF.—Upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury shall undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government.

(2) MULTILATERAL DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.—It is the sense of Congress that, upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury should—

(A) direct the United States executive director of each multilateral development bank to propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank; and

(B) direct the United States executive director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially support that is intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions.

(c) MULTILATERAL FINANCING RESTRICTION.—Until the President makes the certification described in subsection (d), and except as may be required to meet basic human needs or for good governance, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against—

(1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or

(2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.

(d) PRESIDENTIAL CERTIFICATION THAT CERTAIN CONDITIONS ARE SATISFIED.—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that the following conditions are satisfied:

(1) RESTORATION OF THE RULE OF LAW.—The rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities.

(2) ELECTION OR PRE-ELECTION CONDITIONS.—Either of the following two conditions is satisfied:

(A) PRESIDENTIAL ELECTION.—Zimbabwe has held a presidential election that is widely accepted as free and fair by independent international monitors, and the president-elect is free to assume the duties of the office.

(B) PRE-ELECTION CONDITIONS.—In the event the certification is made before the presidential election takes place, the Government of Zimbabwe has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association.

(3) COMMITMENT TO EQUITABLE, LEGAL, AND TRANSPARENT LAND REFORM.—The Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

(4) FULFILLMENT OF AGREEMENT ENDING WAR IN DEMOCRATIC REPUBLIC OF CONGO.—The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

(5) MILITARY AND NATIONAL POLICE SUBORDINATE TO CIVILIAN GOVERNMENT.—The Zimbabwean Armed Forces, the National Police of Zimbabwe, and other state security forces are responsible to and serve the elected civilian government.

(e) WAIVER.—The President may waive the provisions of subsection (b)(1) or subsection (c), if the President determines that it is in the national interest of the United States to do so.

SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

(a) IN GENERAL.—The President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to—

(1) support an independent and free press and electronic media in Zimbabwe;

(2) support equitable, legal, and transparent mechanisms of land reform in Zimbabwe, including the payment of costs related to the acquisition of land and the resettlement of individuals, consistent with the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998, or any subsequent agreement relating thereto; and

(3) provide for democracy and governance programs in Zimbabwe.

(b) FUNDING.—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2002—

(1) $20,000,000 is authorized to be available to provide the assistance described in subsection (a)(2); and

(2) $6,000,000 is authorized to be available to provide the assistance described in subsection (a)(3).

(c) SUPERSEDES OTHER LAWS.—The authority in this section supersedes any other provision of law.

SEC. 6. SENSE OF CONGRESS ON THE ACTIONS TO BE TAKEN AGAINST INDIVIDUALS RESPONSIBLE FOR VIOLENCE AND THE BREAKDOWN OF THE RULE OF LAW IN ZIMBABWE.

It is the sense of Congress that the President should begin immediate consultation with the governments of European Union member states, Canada, and other appropriate foreign countries on ways in which to—

(1) identify and share information regarding individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and intimidation in Zimbabwe;

(2) identify assets of those individuals held outside Zimbabwe;

(3) implement travel and economic sanctions against those individuals and their associates and families; and

(4) provide for the eventual removal or amendment of those sanctions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 494.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by expressing my appreciation to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, for moving this important legislation. I would also like to express my appreciation to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and the gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa that I chair, for their support of this bill. With elections approaching in Zimbabwe, and the conditions on the ground deteriorating, it is important that we pass the Zimbabwe Democracy and Economic Recovery Act of 2001 before this Congress adjourns.

In Zimbabwe we are sadly seeing a dictator there literally burning his country down. I feel that he is very desperate there to keep his perks and avoid accountability for his crimes. As a consequence of that, he has sanctioned utter anarchy in his homeland in an attempt to win an election that he has been pressured by Zimbabweans into holding. I think that if he had his way, Mr. Mugabe would undoubtedly run Zimbabwe as a one-party State as he did run it during the 1980s, but Mugabe has spared no means in his attempt to suppress democratic expression in Zimbabwe. His ZANU–PF Party thugs have employed murder, mass beatings, systematic torture, gang rape, house burning, death threats, and every type of police brutality. And while Zimbabwe police are quick to crack down on peaceful political protests, violent ZANU–PF operatives are rarely brought to justice. The Zimbabwe Lawyers for Human Rights group has observed that it is ''outraged by the continued brutality, lack of respect for fundamental human rights and political partisanship of the Zimbabwe Republic Police.'' Offices of the political opposition there are routinely fire-bombed. Dozens of political opponents have been murdered in State-sanctioned violence, yet Mr. Mugabe does not speak out against those doing the violence. Instead, President Mugabe calls the peaceful political opposition ''terrorists'' and vows to crush them.

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For Zimbabweans, it is a sad irony that the Mugabe Government represses political opponents with the same Law and Order Maintenance Act which Ian Smith's Rhodesian repressive government pioneered to prevent majority rule there.

Having led a congressional delegation to Saudi Arabia some years back, I saw then the climate of fear the Zimbabwe Government long ago created. This legislation provides reasonable guidelines for U.S. engagement with Zimbabwe. It expresses the United States' interest in assisting the Zimbabwean people with economic development; and it provides funding for such efforts, but only when the climate is right, that is, when the rule of law has been established and when free and fair elections are possible.

We must be realistic, though. The prospects are increasingly remote that the presidential elections, which must be held by March, will be free and fair. The U.S.-based International Foundation for Electoral Systems has been chased from the country.

The government rejected a call by the European Union to allow for election monitors. While it recently relented on its decision, it is likely to reverse course. The government is likely to again prohibit those observers from coming in for the elections.

I was scheduled to lead an election observation team for the 2000 parliamentary elections there, but the Zimbabwean Government pulled the visas at the last minute.

A U.S. District Court judge in New York recently ruled that Zimbabwe's governing political party, ZANU–PF, was liable for murdering and torturing its political opponents in the run-up to those elections. The court found that ZANU–PF, in its organized violence and methodological terror, worked in tandem with Zimbabwean Government officials. That was in the year 2000. The current Mugabe Government has never changed its modus operandi.

Mugabe is doing all that he can to see that the world is not watching him. The Washington Post and the New York Times reporters have been denied visas to cover the chaos there. The BBC was booted out in July. Foreign journalists are routinely harassed and intimidated.

It is Zimbabwean journalists, though, that have borne the brunt of it. Newspaper offices have been bombed. Against this, we have seen many profiles in courage. Jeff Nyarota, editor of the Daily News, Zimbabwe's only independent newspaper, recently won the New York-based Committee to Protect Journalists Press Freedom Award for his courageous work uncovering government corruption.

I am certain that this legislation is a morale boost to brave Zimbabwean journalists who fear that the world ignores them. Let me just say a word about the economy there.

Predictably, the Zimbabwean economy is now in ruins. With farmland under government siege, half a million Zimbabweans face starvation in a country that traditionally produces enough food to export. The current government is oblivious to the suffering of the people there.

ZANU–PF leadership, though, is not hurting. The U.N. recently reported how Zimbabwean troops are clear-cutting invaluable forests in the Democratic Republic of Congo, and proceeds from this environmental crime assuredly are going to supporting the luxurious lifestyle of Zimbabwe's ruling elite.

This legislation, importantly, asks the administration to begin a process of identifying the assets of those involved, those military personnel involved in just that effort, and to impose personal economic sanctions against them for breaking down the rule of law in Zimbabwe. It does not affect trade, however.

This legislation provides aid for lawful and transparent land resettlement, and I believe that this will have to come after there is a new government. We should not lose sight of the fact that President Mugabe has created the current land crisis. He has sanctioned the violent land invasions and the murders of Zimbabweans, black and white, precisely because it serves his political interests. That is why many attempts by the international community to aid a lawful land reform program have gone for naught.

The latest attempt, the Abuja Agreement, has fallen apart, with the Mugabe Government intensifying farm invasions and violence. President Mugabe's land reform program has been to take land and give it to the generals and to give it to his political associates. Recent reports have him now giving land to Libyan business partners.

The Mugabe Government has shown little interest in the welfare of the people of Zimbabwe, and that is why we need to move this legislation.

Mr. Speaker, I include for the RECORD an exchange of letters between the gentleman from Ohio (Chairman OXLEY) of the Committee on Financial Services and Chairman HYDE concerning the Senate bill, S. 494:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 30, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: I understand that on November 28, 2001, the Committee on International Relations ordered S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001, reported to the House. As you know, the Committee on Financial Services was granted the primary referral of the bill upon its introduction pursuant to the Committee's jurisdiction over debt relief and other financial assistance under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter and your commitment to address this Committee's concerns, I recognize your desire to bring this legislation before the House in an

expeditious manner and will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over S. 494. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on S. 494 or related legislation.

I request that you include this letter and your response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 2001.

Hon. MICHAEL OXLEY,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you concerning the bill S. 494, Zimbabwe Democracy and Economic Recovery Act of 2001, which this Committee ordered reported yesterday. I recognize that the bill was jointly referred to the Committee on Financial Services based on your Committee's jurisdiction over language relating to debt relief and other financial assistance.

It is my intention to take this matter up under suspension of the rules. While recognizing your jurisdiction over this subject matter, I would appreciate your willingness to waive your right to consider this bill without waiving your jurisdiction over the general subject matter. I will support the Speaker's naming Members of your Committee as conferees on the matter should it get to conference.

As you have requested, I will include this exchange of letters in the Record during consideration of the resolution.

I appreciate your assistance in getting this important bill to the floor.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 494, the Zimbabwe Democracy and Economic Recovery Act.

First, I would like to commend the distinguished chairman of the Subcommittee on Africa, my good friend and fellow Californian, the gentleman from California (Mr. ROYCE), and the ranking minority member, our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), for their active pursuit of human rights, democracy, and decency in Zimbabwe, and for their strong support for this legislation.

I also want to thank the gentleman from Illinois (Mr. HYDE), the chairman, for expediting the consideration of this important legislation.

Mr. Speaker, the Zimbabwe Democracy and Economic Recovery Act of 2001 is designed to support the people of Zimbabwe, and provides a clear strategy for the United States and Zimbabwe to reengage in normal political and economic activity. This is an incentives bill, not a sanctions bill, Mr. Speaker.

Our legislation provides that the United States will initiate a plan to promote Zimbabwe's economic recovery, but only after certain political conditions will have been met. These conditions include restoring the rule of law, ensuring a positive pre-election environment, pursuing equitable legal and transparent land reform, and ensuring civilian control of both the military and the police.

The House is acting on this legislation today because, unfortunately, the situation in Zimbabwe is increasingly grim. Partisan political violence condoned and encouraged by Mugabe has crippled a once prosperous economy. Once an exporter of maize, Zimbabwe is set to run out by February of this coming year. Without emergency humanitarian assistance, thousands of Zimbabweans will go hungry, fall prey to disease, and starve.

Mugabe has made the so-called land question central to his political campaign and used it to justify pervasive violence. He has unleashed so-called war veterans and party militants on black farm workers, white farmers, journalists, professionals, academics, and indeed, anyone who opposes his land seizure policy.

His policy has not unified the country behind him. To the contrary, according to the most recent opinion poll, his criminal practice is turning the people of Zimbabwe against him.

Mr. Speaker, Zimbabwe's economic and political disaster threatens the whole of southern Africa. The Presidents of Africa's three largest economies, South Africa, Nigeria, and Algeria, recently launched a new Partnership for Africa's Development. This plan calls for a new relationship between Africa and the international community; and it is premised on the African states making commitments to good government, democracy, and human rights. Zimbabwe, under Mugabe, is the antithesis of this vision.

Mr. Speaker, our bill provides a set of incentives for Mugabe and his government to move in the right direction, away from intimidation, violence, corruption, and Draconian economic policies towards land reform that reflects the rule of law, policies that restore an independent judiciary, allow political competition, and support a free and independent media.

Mr. Speaker, I urge all of our colleagues to vote for this bill. It will send a strong signal to Mugabe that the people of America reject the violent situation he has created and that we support the people of Zimbabwe.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to thank the Committee on International Relations, and particularly the gentleman from California (Mr. ROYCE), for bringing this issue to the fore, Mr. Speaker, and for fighting for its adoption. I want to applaud the committee for improving the document as it went forward into a bill that we can all support.

Mr. Speaker, I had the great privilege in the early 1980s of spending time in Zimbabwe just soon after the transition to independence. There was great hope at that point. The people had hoped that the rule of law and democracy would flourish and take hold.

Twenty years later, that has not been the case. We have a brutal dictator there who simply does not want to give up power. He does not want to assent to the rule and to the will of the people.

That is unfortunate. With this legislation we hope, and the purpose of it is, to help those forces in Zimbabwe who want to bring back democracy and the rule of law.

Mr. Speaker, I want to caution my colleagues, all of us, to avoid the kind of drive-by diplomacy that often characterizes our action in Africa and other third world countries, when we will pay attention when the issue is hot; and then after a successor regime comes in, we forget about the country and move on, sometimes leaving sanctions in place or other items that the successor regime has to work out of.

I hope we do not do that. I am pleased that this bill is not a sanction bill; that it seeks to target individuals, rather than target trade in general.

Mr. Speaker, I look forward one day soon to saying to the people of Zimbabwe, coda ko tu, which means in Shona, congratulations; congratulations on a return to free and fair elections and on their return to the rule of law.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), who probably has more experience in this part of the world than any of us, and has been a leader on this issue.

Mr. PAYNE. I thank the gentleman for yielding time to me, Mr. Speaker.

Let me once again commend the gentleman from California (Mr. ROYCE), the chairman of the subcommittee, and the gentleman from Illinois (Mr. HYDE), who brought this before the full committee, and as I indicated, the leadership of the gentleman from California (Mr. LANTOS) on Committee on International Relations, on which he has served for so many years.

Mr. Speaker, Zimbabwe is one of the most important countries in Africa. Many of us remember the people of Zimbabwe's courageous struggle for independence that took many years of fighting with Mr. Nkomo and Mr. Mugabe and others.

As I recently said in a letter to President Mugabe, indeed, post-independence Zimbabwe clearly demonstrates

much of the best of Africa and what Africans are capable of doing, despite decades of repressive white rule, as we saw in Rhodesia, by Ian Smith's government.

After independence, white Zimbabweans were embraced, not chased out of the country, nor mistreated, as many cynics predicted would happen. Human rights were largely respected and the rule of law prevailed across the country.

Mr. Speaker, Zimbabwe has long been a model country with a stable government, a good educational system, and a modern economy. But in recent years, conditions have gone from bad to worse, in large part due to poor leadership. The economy is in shambles, human rights abuses are extensive, and there seems to be little respect for the rule of law. The once vibrant independent press is under intense pressure, and the independence of the judiciary has been compromised due to intrusive government actions.

The United States is not the only government concerned about the deteriorating situation in Zimbabwe. According to an article in today's New York Times, several neighboring countries, including South Africa and Botswana, have expressed their frustrations with the government of Zimbabwe's obstructionist behavior.

The Zimbabwe Democracy and Economic Recovery Act is a small effort on our part to help bring much needed stability to Zimbabwe. Why this legislation now and why Zimbabwe? Simple: Zimbabwe is too important to ignore, and the legislation offers a credible policy option to deal with the challenges that face Zimbabwe today.

Unfortunately, the situation in Zimbabwe is deteriorating by the day. Dozens of people have been killed, the rule of law is nonexistent, and authoritarian tendencies have reached a very dangerous level.

I strongly believe it is in our interests and in the interests of Zimbabwe and Africa not to allow another African country to go down this way.

□ 1515

Instability in Zimbabwe threatens the entire sub-region of southern Africa. We cannot afford to have another Somalia in southern Africa.

Mr. Speaker, some people have deliberately portrayed this legislation as punitive, and sanction legislation. They are dead wrong. What are the key objectives? Simply put, Zimbabwe Democracy and Economic Recovery Act has three key objectives. One, a just and equitable land reform, consistent with the rule of law. Two, a conducive environment for free and fair elections. And, three, the respect for human rights and the rule of law.

Mr. Speaker, if the above conditions are met by the Government of Zimbabwe, the legislation, one, authorizes $20 million for land reform, and an additional $6 million to promote democracy. Two, it will assist in debt relief. Three, it will support lifting of restrictions by the IMF and the World Bank. Fourth, we would urge our country to have AGOA, the Africa Growth and Opportunity Act, introduced in Zimbabwe.

So this is a bill to say let us have transparent elections. Let us allow the rule of law. Let us let the independent parties have their platform told. And by doing that we will embrace and we will move Zimbabwe back.

Mr. Speaker, this is a good bill that will go a long way in strengthening our ties with the people of Zimbabwe who truly deserve our support. We must be steadfast in our commitment to the people of Zimbabwe. We should not and must not turn a blind eye to abuses in Zimbabwe, and therefore I urge all of my colleagues to support this legislation.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I would like to echo the remarks of my friend, the gentleman from New Jersey (Mr. PAYNE). I feel that he knows more and has done more than probably most anyone else in this body for the people of Africa. He has been there many times. He knows it well and he has worked hard.

The chairman of the subcommittee, the gentleman from California (Mr. ROYCE) has worked equally hard and, I feel, been equally effective.

What does this bill call for? This bill calls for support of democratic institutions. It calls for a free press and independent media. And yes, it calls for the rule of law, including private property rights. These seem like simple expectations, but yet they would be major, major advances for the people of Zimbabwe.

What does this bill offer? What does it threaten? First, there are no sanctions involved. There is the offer of debt relief and there is the offer of aid for land reform if the people of Zimbabwe, if the Government of Zimbabwe is able to carry out these changes.

Land reform seems to be the major issue. I appreciate those calling for land reform and I agree that land reform is the key to Zimbabwe's future. But why has land reform not worked in Zimbabwe? Basically Mugabe has essentially stolen the money that he had that had been given to this country to carry out land reform. He distributes the land that has already been purchased, purchased with international money in many cases, a major portion of it from the U.K., and there were countries lined up in 1998 to give a major amount of money to this country. But Zimbabwe under the leadership of Mugabe has given this land, the money, to his political cronies, to the fat cats, to the generals, to his political supporters. He distributes the land that has already been purchased to his allies and not to the people of Zimbabwe who need it. Even Mugabe's fellow African leaders recognize that Mugabe's policies are the reason that land reform has not worked.

Mugabe was an important leader but he stayed too long. He now cares solely for his own power, not for the welfare of his people. But he is resorting to violence to hold onto his own power. The time for such dictators has passed.

There are neighboring countries, Botswana, South Africa, Malawi, all of whom have democratic institutions, free press and the rule of law.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, what a depressing contrast between Zimbabwe's Robert Mugabe and South Africa's Nelson Mandela. President Mandela prized democracy. He prized the rule of law. He stepped down from power when people were telling him he was a king. He brought races together. And we contrast that with the situation where President Mugabe threatens his political opponents with death.

What we have in Zimbabwe is a man who sends his operatives to terrorize teachers, to terrorize teachers because they are the poll guards basically, they are the individuals who do the monitoring of the elections; to terrorize the doctors, and to terrorize others working for a better future.

A recent Zimbabwe Catholic Bishops' Conference Pastoral letter noted, ''Violence, intimidation, and threats are the tools of failed politicians.'' They are the dastardly tools of the men now ruling Zimbabwe.

The political opposition in Zimbabwe deserves credit for remaining peaceful in the face of violence. For years now, its members have been beaten, they have been tortured, they have been killed; and they have resisted going on an offensive throughout this. Their discipline will be further tested in the coming months as the Mugabe regime provokes unrest to legitimize canceling the elections.

I hope that the political opposition remain steadfastly committed to nonviolence. I have great confidence in the brave Zimbabweans who are struggling against tyranny so that their country can begin to reach its potential.

The legislation we are considering today lays a foundation for the U.S. to contribute to that future, and I ask that my colleagues support Senate bill 494.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001. This Member would like to thank the Chairman of the House International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE), for bringing this measure to the Floor expeditiously after the Committee's consideration of it. In addition, this Member would like to thank the Chairman of the House Financial Services Committee, the distinguished gentleman from Ohio (Mr. OXLEY) for his supportive role in this legislation. This Member also appreciates the

Chairman of the International Relations Subcommittee on Africa, the distinguished gentleman from California (Mr. ROYCE), for his longstanding dedication to following U.S. foreign policy toward Africa. Indeed, there are few Members in this Body who can have so convincingly outlined the horrific atrocities which Zimbabwe's President Robert Mugabe has committed against the people of Zimbabwe.

The Zimbabwe Democracy and Economic Recovery Act of 2001 sets up a Presidential certification process for Zimbabwe which is contingent upon the following: restoration of the rule of law; certain electoral and land ownership reforms; fulfillment of agreement ending war in the Democratic Republic of Congo; and military and national police subordination to the civilian government in Zimbabwe. Until this Presidential certification is made, and except as may be required to meet basic human needs or for good governance, this legislation would require the Secretary of the Treasury to instruct the United States Executive Director to each international financial institution (IFI) to oppose and vote against both of the following: (1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or (2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution. This Member is pleased that it is currently the Administration's policy for U.S. representatives to the IFIs to oppose and vote against loans and debt restructuring for Zimbabwe.

It is important to note that, in September 1999, the International Monetary Fund suspended its ''Stand By Arrangement,'' which had been approved the prior month, for economic adjustment and reform in Zimbabwe. In addition, the International Development Association, which is the concessional window of the World Bank, suspended all structural adjustment loans, credits, and guarantee to the Government of Zimbabwe in October of 1999.

Furthermore, during the International Relations Committee's consideration of S. 494, this Member offered an amendment which struck from the legislation a provision which would have created a Southern Africa Finance Center to be located in Zimbabwe. The center was to have included regional offices for the Overseas Private Investment Corporation (OPIC), the Export-Import Bank (Ex-Im), and the Trade and Development Agency (TDA).

While it is important for the U.S. to offer incentives to Zimbabwe to encourage political and economic reform, it is critical that those carrots be appropriate for the conditions. Even with significant changes in Zimbabwe's political climate, the country simply will not have the infrastructure in the near future to support such a center for the entire region. Additionally, this center would be a completely new endeavor for two of the U.S. agencies—namely OPIC and the Ex-Im Bank—neither of which currently have offices outside of the U.S.

However, that is not to say that the agencies cannot or should not play a critical role in stabilizing the region's economic health. Indeed, this Member would like to commend the Ex-Im Bank for developing a Sub-Saharan Africa Advisory Committee which has facilitated a dramatic increase in Ex-Im's investment in Africa. As the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member introduced H.R. 2871, the Export-Import Bank Reauthorization Act of 2001, which, among other things, would reauthorize this Sub-Saharan Africa Advisory Committee for four years until FY2005. This legislation, which passed the House Financial Services Committee on October 31, 2001, would also create an Office on Africa to further enhance the Ex-Im Bank's emphasis on Africa.

Additionally, this Member is very pleased that in lieu of the Southern Africa Finance Center originally included in S. 494, the Bush administration has announced the creation of an Africa Regional Trade and Development Office which will be located in Johannesburg, South Africa, and will serve all of Sub-Saharan Africa. This announcement was made after the Senate considered and passed S. 494.

Through this office, the TDA, which will serve as the lead agency at the center, can more closely coordinate its trade development and promotion activities in the region with local governments and with U.S. representatives already on the ground. Perhaps some day Zimbabwe might serve as an appropriate location for a branch office of the Africa Regional Trade and Development Office. Until then, the Administration's proposal appears to be the most viable option to provide Sub-Saharan Africa with the access to economic development and trade promotion tools which the region desperately needs to build economic stability.

Mr. Speaker, this Member encourages his colleagues to vote for S. 494.

Mr. RANGEL. Mr. Speaker, I rise today in support of important legislation, S. 494, the Zimbabwe Democracy and Recovery Act. First and foremost, I want to thank Mr. ROYCE and Mr. PAYNE, for bringing this important piece of legislation to the floor. Unlike previous bills that sought to penalize the people of Zimbabwe, this bill offers incentives to help guide their nation on a path of political and economic reform with United States assistance.

I have watched the Zimbabwe crisis unfold over the past several years and am deeply concerned about the increasing repression and violence which has created deepening concern over the manner in which the upcoming elections will be conducted. Our hope in the Congress is that Zimbabwe will become a model for other democracies around the world by ensuring that the upcoming elections are executed in a free and fair manner which assures full participation by all its citizens and manifests the will of the people.

The challenges that the nation of Zimbabwe faces are great. Zimbabwe is plagued with a horrific economic crisis that is characterized by extreme poverty, food shortages, and widespread loss of jobs and negative economic growth. These problems must be seriously addressed and dealt with in this nation's recovery efforts, but they cannot be unless political stability is achieved.

It is of the utmost importance that stability and economic viability are restored to the people of Zimbabwe. I believe that this bill, the Zimbabwe Democracy and Recovery Act of 2001, is the first step in achieving this end goal. Through the passage of this bill, not only will Zimbabwe benefit, but the entire southern region of Africa that has been impacted by this crisis will also stand to benefit from the passage of this legislation.

The Zimbabwe Democracy and Recovery Act of 2001 provides that when imperative political conditions are met, such as, restoring the rule of law, conducting fair political elections, and providing for equitable and legal land reform, that the U.S. will initiate an economic recovery policy. It also provides financial incentives, which include bilateral debt relief and U.S. support for similar action with the International Financial Institutions.

This bill offers an opportunity for the U.S. and Zimbabwe to re-engage on the road to democracy and economic recovery. It recognizes the need for land reform and for the first time provides tangible U.S. support for its achievement. It authorizes $20m for land reform efforts and $6m for democracy and governance.

This piece of legislation is very important to the friends of Africa who are dedicated to stopping civil conflict which impedes development and who continue to work on increasing trade opportunities and promoting economic growth for African nations.

I stand today in support of this bill and urge all of my colleagues to also show their support for a democratic and prosperous future in Zimbabwe and the southern region of Africa.

Mr. GILMAN. Mr. Speaker, I rise to voice my support for S. 494, which declares that it is U.S. policy to support the Zimbabwean people in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and to restore the rule of law to that troubled country. Furthermore, I fully support the bill's authorization of additional funding to non-governmental organizations working with the people of Zimbabwe to promote good governance and the rule of law.

Today, Zimbabwe continues to face difficult social, economic and political problems. The goal of U.S. policy toward Zimbabwe must be to assist its development into a stable, free-market democracy, both as a goal in itself and as a bulwark against regional instability and conflict. However, this cannot be achieved until the government of Zimbabwe undertakes comprehensive reforms to enfranchise its people politically and economically.

The essential foundations of freedom and democracy are free and fair elections, a free and open press, and the development of democratic institutions based on the rule of law. However, all evidence points to the conclusion that these institutions do not currently exist in Zimbabwe, and that respect for the rule of law is seriously lacking. I regret that a sense of Congress is necessary to express our view that sanctions must be necessary to bring about the necessary reforms and democracy to Zimbabwe. Let me be clear: our goal is not to harm the people of Zimbabwe but rather to send a clear signal to its government that an expeditious transition to democracy is imperative. The people of Zimbabwe have waited much too long and endured far too many hardships, and clearly deserve better.

I also want to voice my concern with regards to Libya's attempts to establish military ties with the government of Zimbabwe. I hope that the Zimbabwe government sees its future in an alignment with Western democracies and not with state-sponsors of terrorism such as Libya.

We truly hope the government of Zimbabwe takes advantage of the opportunities presented by this legislation, and will seek to build better relations with the United States. Should the government of Zimbabwe choose

to improve its democratic record, and establish good governance and the rule of law, its success will serve as a model for other countries in the region.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, which renews our commitment to the stabilization of the Zimbabwean democracy and reaffirms our commitment to the establishment of democratic principles throughout the African subcontinent.

This legislation sends a strong message to the rest of the world regarding our intentions toward Zimbabwe with its opening language: ''It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.''

The need for such a forthright statement from this nation has been pressing for some time. International news agencies have chronicled the decent into political anarchy within Zimbabwe over the last year, as armed bands of ''veterans'' attacked homesteads and other economic and farming interests with the support of the Mugabe regime. These interests claim an unfair distribution of resources in the nation, and highlight the need for positive action by the United States.

Mr. Speaker, Zimbabwe is a nation of many needs. HIV/AIDS is ravaging the population at a rate of 25%, and the current average life expectancy of her citizens is only 37 years. The nation had a protracted role in the war in the Democratic Republic of Congo, and this action and other budgetary mismanagement issues have resulted in Zimbabwe being ineligible for IMF and International Bank for Reconstruction and Development programs, further stressing the people of this nation.

Mr. Speaker, this legislation allows the U.S. to acknowledge both the dire economic and social needs of the Zimbabweans while seeking a positive resolution of the political crisis that animates this struggle. This legislation directs the U.S. government to restructure or forgive loans contributing to the sovereign debt of Zimbabwe by any agency of the U.S. government. This act also creates a Southern Africa Finance Center to be located within Zimbabwe that will coordinate the regional offices of OPIC, Eximbank, and TDA in order to help with the economic stabilization of Zimbabwe.

Thus, Mr. Speaker, Congress has provided good incentives for the political leaders in Zimbabwe to work towards reestablishing the rule of law for their people. These benefits will only accrue to Zimbabwe if the President certifies that the rule of law and respect for ownership, property, and freedom of speech has been restored; that the next Zimbabwean election is a free and fair contest; that transparent land reform procedures are enacted; that Zimbabwe contributes a good faith effort to the Lusaka Accords ending the war in the Democratic Republic of Congo; and that the military and national police in the nation are ''responsible to and serve the elected civilian government. These requirements can be waived, however, if the President deems it in the national interest to do so.

Fulfillment of these requirements will be a hard task, and thus this legislation includes monies for the land reform and democracy and governance programs in Zimbabwe.

Mr. Speaker, in these times of global uncertainty, the ever present goal of the U.S. is the widespread development of democratic principle that place the benefits of good governance in the hands of citizens and not politicians. This legislation demonstrates to the rest of the world that we stand for the principles of freedom and democracy above all.

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 494, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2299) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.''.

KNOW YOUR CALLER ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 90) to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes, as amended.

The Clerk read as follows:

H.R. 90

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Know Your Caller Act of 2001''.

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation—

''(A) to interfere with or circumvent the capability of a caller identification service to access or provide to the recipient of the telephone call involved in the solicitation any information regarding the call that such service is capable of providing; and

''(B) to fail to provide caller identification information in a manner that is accessible by a caller identification service, if such person has capability to provide such information in such a manner.

For purposes of this section, the use of a telecommunications service or equipment that is incapable of transmitting caller identification information shall not, of itself, constitute interference with or circumvention of the capability of a caller identification service to access or provide such information.

''(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 2001, the Commission shall prescribe regulations to implement this subsection, which shall—

''(A) specify that the information regarding a call that the prohibition under paragraph (1) applies to includes—

''(i) the name of the person or entity who makes the telephone call involved in the solicitation;

''(ii) the name of the person or entity on whose behalf the solicitation is made; and

''(iii) a valid and working telephone number at which the person or entity on whose behalf the telephone solicitation is made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by such person or entity; and

''(B) provide that a person or entity may not use such a do-not-call list for any purpose (including transfer or sale to any other person or entity for marketing use) other than enforcement of such list.

''(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

''(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

''(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater; or

''(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of an incoming telephone call.

''(B) TELEPHONE CALL.—The term 'telephone call' means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service and includes telephone calls made using the Internet (irrespective of the type of customer premises equipment used in connection with such services). Such term also includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source.''.

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications

Act of 1934 (47 U.S.C. 227(f)(1)), as so redesignated by section 2(1) of this Act, is further amended by inserting after ''subsection (d)'' the following: ''and the prohibition under paragraphs (1) and (2) of subsection (e),''.

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(g)(1)), as so redesignated by section 2(1) of this Act, is further amended by striking ''telephone calls'' and inserting ''telephone solicitations, telephone calls,''.

SEC. 4. STUDY REGARDING TRANSMISSION OF CALLER IDENTIFICATION INFORMATION.

The Federal Communications Commission shall conduct a study to determine—

(1) the extent of the capability of the public switched network to transmit the information that can be accessed by caller identification services;

(2) the types of telecommunications equipment being used in the telemarketing industry, the extent of such use, and the capabilities of such types of equipment to transmit the information that can be accessed by caller identification services; and

(3) the changes to the public switched network and to the types of telecommunications equipment commonly being used in the telemarketing industry that would be necessary to provide for the public switched network to be able to transmit caller identification information on all telephone calls, and the costs (including costs to the telemarketing industry) to implement such changes.

The Commission shall complete the study and submit a report to the Congress on the results of the study, not later than one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 90, the Know Your Caller Act, by my good friend the gentleman from New Jersey (Mr. FRELINGHUYSEN), deals with the controversial business practice of telemarketing.

There are thousands of reputable telemarketing companies and they provide a benefit to the public by offering a broad range of consumer products and business opportunities. These companies employ hundreds of thousands of citizens across this country and they fuel this economy with literally billions of dollars.

Increasingly, however, telemarketers are the cause of complaints. Consumers are concerned that telemarketers are intruding into their homes, and we continue to hear stories about telemarketing schemes that separate consumers from their hard-earned money.

In fact, telemarketing complaints lodged with the Federal Trade Commission seem to support these consumer concerns. In 1997, for example, there were 2,260 complaints. In 2000, there were 36,804 complaints, a significant increase.

H.R. 90 takes these consumer complaints seriously. With the excellent work of the author, the gentleman from New Jersey (Mr. FRELINGHUYSEN), we can remove the cloak of secrecy that fraudulent telemarketers use to swindle their victims. No longer will telemarketers be able to hide behind the anonymous telephone call.

H.R. 90 prohibits telemarketers from blocking the transmission of caller ID information. In addition, this bill requires telemarketers to send caller ID information if their equipment is capable to do so. What this means is that the flashing signals on caller ID boxes, ''caller unknown,'' or ''out of area'' will no longer protect the scam artist.

The transmission of caller identification information is so important to consumers, not only for safety and privacy reasons, but also because it provides the consumer with a telephone number that can be used to place the consumer on what is known as a telemarketer's ''do-not-call'' list. You see, if you know who is calling you and you do not want them to call him again, under the law, you can put a call in and say do not call me anymore; I do not want to be bothered anymore. By being placed on a do-not-call list, the telemarketer is prohibited from calling back for the next 10 years. That will protect you for a while.

Additionally, the bill takes steps to prevent the sale of do-not-call lists, which is currently allowed under the law.

I have worked with the gentleman from Michigan (Mr. DINGELL) on bipartisan amendment efforts to clarify this point. To remedy this loophole, H.R. 90 prohibits telemarketers from selling, leasing or receiving anything of value for these do-not-call lists. Few things are more offensive than being asked to be placed on a do-not-call list, only to have your name sold to another direct mail company.

This amendment respects and protects the privacy requests of the consumer and should prevent an increase in unwanted telephone solicitations.

I believe this bill strikes a good balance between the consumers' right to privacy and safety and the telemarketers' legitimate business interests. It protects consumers as well as the very thriving commercial industry and, indeed, protects the good players from the bad consequences of bad actors.

I support this bill and urge support from the House as well.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by complimenting the gentleman from New Jersey (Mr. FRELINGHUYSEN), the sponsor of H.R. 90, who did excellent work here in crafting this legislation.

Consumers who want to exercise their right to be placed on a do-not-call list, or to take a telemarketer to small claims court after being called, are often frustrated when they cannot get the caller ID information from the telemarketer to identify them.

This legislation prohibits telemarketers from interfering with or circumventing the capability of caller ID services. Telemarketers who solicit the public in their homes for commercial gains should not be permitted to evade the purpose and function of caller ID services. This bill will prevent the telemarketers from doing so, while further empowering consumers to control the communications going to and from their home.

Mr. Speaker, the bottom line is the telecommunications revolution gives enormous opportunities for telemarketers, but it also gives opportunities for consumer power. These powers should include the ability, by using caller ID, to prevent information from going to their family which they deem and believe is inappropriate.

I think this information strikes a good balance between the rights of consumers to protect their privacy and the rights of telemarketers to practice their trade. This bill allows consumers to use the best available technology to protect their privacy but does not allow telemarketers to start a de facto race to outsmart this technology.

I congratulate the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. TAUZIN. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the author of the legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me the time, and I want to commend him and the gentleman from Michigan (Mr. DINGELL), the ranking member, and all Members for their assistance in getting this bill to the floor, particularly the gentleman from Louisiana (Mr. TAUZIN), who has been very helpful. He has been very supportive, and he has been personally very interested in this bill. H.R. 90 would not be here without his support and the way that he has helped me along the way.

Mr. Speaker, the Know Your Caller Act will provide a simple but important consumer protection. Many consumers purchase and pay for caller ID service and caller ID equipment for several reasons: In the first instance, to protect their privacy; secondly, they provide for their personal security by identifying incoming calls and allow them the opportunity to decide before picking up the receiver, whether or not to answer the call.

Guess what, some of the most frequent calls, those from telemarketers, not all telemarketers but many, appear with a message Out of the Area or Caller Unknown. Mr. Speaker, telemarketing is a commercial enterprise. As such, what would be the reason for not disclosing a business telephone number? There simply is no reason.

I believe that all commercial enterprises that use the telephone to advertise or sell their services to encourage the purchase of property or goods or for any other good commercial purposes should be required to have the name of their business and their business telephone number disclosed on caller ID boxes. Some telemarketing enterprises purposely block out caller ID devices; yet these same companies know a person's name, address, and telephone number. Is it not only fair that they share their company name and their telephone number so a person can make sure that they are a legitimate company, that they are who they say they are?

Also, if my colleagues are like me and politely ask to have their name removed from their list, I think we should also be able to track the name and number of these telemarketing callers to ensure that they do not call back again. My legislation will simply require any person making a telephone solicitation to clearly identify themselves on these devices.

Mr. Speaker, this legislation will help separate legitimate telemarketers from fraudulent ones. While the majority of telemarketers are legitimate business people attempting to sell a product or service, there are some unscrupulous individuals and companies violating existing telemarketing rules and scamming many customers.

Consumers pay a monthly service fee to subscribe to the caller ID service because they want to protect their personal privacy and their pocketbooks, but they have little recourse to protest intrusions on their privacy because most telemarketers intentionally block their identity from being transmitted to caller ID devices.

Mr. Speaker, we already require telemarketers to identify themselves over the telephone and via telephone fax transmission. This bill simply extends the protection to consumers with caller ID devices.

Mr. Speaker, I express my thanks for this opportunity. This bill passed unanimously in the last session; and again, I thank the gentleman from Louisiana (Mr. TAUZIN) for his support of it.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I say in closing that this is a good bill. I especially appreciate the ability of individuals and the private cause of action that is in the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank the gentleman from New Jersey (Mr. FRELINGHUYSEN) for his absolute perseverance in seeing to it that this bill is passed again this year. Hopefully, it will become law and consumers will be much better off for it and he will be a hero. A lot of Americans have been troubled by this, and I commend this bill to the House.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 90, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANT CONTRIBUTIONS OF HISPANIC CHAMBER OF COMMERCE

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 277) recognizing the important contributions of the Hispanic Chamber of Commerce.

The Clerk read as follows:

H. CON. RES. 277

Whereas the Hispanic Chamber of Commerce of the United States has had a significant impact among Hispanic businesses, and in the business community in general;

Whereas the Hispanic Chamber of Commerce has served in a key support role, not merely as a business group but also as a civic organization working in the Hispanic-American community; and

Whereas the Hispanic Chamber of Commerce has helped to bring entrepreneurship to the Hispanic community as well as helping to pool the resources and talents of Hispanic American entrepreneurs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that it is important to the promotion of the free market process of the United States, to the future success of Hispanic Americans, and to society at large that the special role of the Hispanic Chamber of Commerce of the United States be recognized and further cultivated to the benefit of all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 277.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 277, recognizing the important contributions of the United States Hispanic Chamber of Commerce.

The Hispanic community is booming in this country. In fact, it has become the fastest-growing segment of our Nation's population; and by the year 2010, Hispanics will become the largest minority group in the United States and by 2050 will comprise nearly 25 percent of the entire U.S. population.

One sector within the Hispanic community that has been experiencing especially rapid growth over the past few years is the small business community. At present, it is estimated that there are over 1.5 million Hispanic-owned small businesses in the country.

Created in 1979 by a handful of dedicated Hispanic leaders, the U.S. Hispanic Chamber of Commerce has helped to realize the enormous potential of the Hispanic business community in these United States, and the U.S. Hispanic Chamber of Commerce has worked tirelessly to bring the issues of the Nation's Hispanic-owned businesses to the national economic agenda and drives the engine of economic growth.

Today, we thank them for increasing their contribution to the strength of this country.

It is a good resolution. My mother, Ms. Enola Martinez Tauzin, appreciates it personally; and I urge the House to adopt it.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, H. Con. Res. 277, which recognizes the important contributions of the Hispanic Chamber of Commerce. The chamber's mission, to actively promote the economic growth and development of Hispanic entrepreneurs, is important to the free market process and the success of Hispanic Americans. Especially during these times of economic hardship, I fully expect that the Hispanic business community will be an engine for growth and recovery benefiting our whole economy.

In the 5-year period from 1992 to 1997, Hispanic businesses across the Nation grew about 82 percent. The programs, services and support that the chamber continues to offer the more than 200 local chambers across this Nation have been integral to the success and vitality of these Hispanic businesses.

I have seen the effects of the chamber's initiatives in my own 10th Congressional District in Brooklyn. The Hispanic community has produced some of the most exciting entrepreneurial initiatives, enriching Brooklyn for all of its residents. From small stores and bodegas to supermarkets like Compare Market and ABC Beverages to large construction companies like Park Avenue Building and Roofing Supplies, Hispanic-owned businesses

employ hundreds of residents as well as adding to the economic viability of our neighborhoods.

Since its formation in 1979, the Hispanic Chamber of Commerce has represented the interests of more than 1.2 million Hispanic-owned businesses in the United States and Puerto Rico. In addition to its annual convention featuring hundreds of domestic and international exhibitors, the chamber also supports Hispanic businesses with legislative and governmental affairs services, business development and marketing services, and active promotion of international trade by networking with Latin American governments.

Through its Empowerment Through Entrepreneurship Initiative, the chamber has also established a $20 million venture capital fund and, in partnership with the Ford Motor Company, has formed a bilingual National Director of Hispanic Businesses. It has also sewn the seeds of entrepreneurship by sponsoring programs for Hispanic youth such as Bizfest and funding Hispanic scholarship programs.

The chamber's contributions to the Hispanic business community have and will continue to enrich all of our lives. I urge my colleagues to join me in giving the Hispanic Chamber of Commerce the recognition that it deserves.

Mr. TOWNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in support of House Concurrent Resolution 277. I am very pleased to see that we are recognizing the important contributions of the Hispanic Chamber of Commerce. As a former businessman from the lower Rio Grande Valley in south Texas, I can personally attest to the invaluable assistance that the Hispanic Chamber of Commerce provides for the Hispanic business community.

The rapid growth of the Latino population has made our community a more crucial part of the American economy than ever before. The Hispanic Chamber of Commerce has provided the vision and the leadership to promote a spirit of entrepreneurship and an ethic of competitiveness in the Hispanic business community. It has also served as an effective advocate by communicating the community's concerns in the greater business and political arena.

I want to thank the Hispanic Chamber for all of the hard work it has put into achieving economic progress for our community, and I urge my colleagues to join me in supporting this resolution. In south Texas, we are members of the Texas Association of Hispanic Chambers of Commerce, and we have had lots of meetings and we have had lots of successful gatherings, and so that is why I am here to show our support for this group.

Mrs. WILSON. Mr. Speaker, I rise today in support of H. Con. Res. 277, recognizing the important contributions of the Hispanic Chamber of Commerce.

From top-level corporate positions, to Mom and Pop corner stores, Hispanics in America make tremendous contributions to the nation. Minority owned businesses are growing and creating jobs faster than other companies.

In 1979, realizing the enormous potential of the Hispanic business community in the United States and the need for a national organization to represent its interests, the United States Hispanic Chamber of Commerce (USHCC) was incorporated in my home state of New Mexico, creating a structured organization aimed at developing a business network that would provide the Hispanic community with cohesion and strength. Since its inception, the USHCC has worked towards bringing the issues and concerns of the nation's more than 1.2 million Hispanic-owned businesses to the forefront.

Throughout the years, the Albuquerque Hispano Chamber of Commerce has improved the quality of life in the Middle Rio Grande corridor by promoting economic and education activities, with an emphasis on small business.

This has also been a great year for the Albuquerque Hispano Chamber of Commerce. The Chamber officially opened the doors to their Barelas Job Opportunity Center. This center houses a state-of-the-art technology lab and will focus on work force development and entrepreneur opportunities. The facility is also home to the U.S. Small Business Administration Business Information Center and the Senior Corp of Retired Executives. This Center is a hub for consultations on how to grow a business, start a business, manage a business or capitalize a business.

Over the past 26 years the Albuquerque Hispano Chamber of Commerce has experienced change and growth that would rival any successful business. I am grateful to the Albuquerque Hispano Chamber of Commerce for helping to make Albuquerque a better place and improving the quality of life in New Mexico.

Mr. PAUL. Mr. Speaker, I want today to address my resolution, H. Con. Res. 277 to recognize the important contributions of the Hispanic Chamber of Commerce. Mr. Speaker, the United States Hispanic Chamber of Commerce was founded in New Mexico in 1979. Headquartered in Washington, DC the Hispanic Chamber of Commerce currently has a network of more than 200 chapters in the United States and its territories. One of those active chapters is in my district, in fact the San Marcos Hispanic Chamber of Commerce just held its successful Turkey Trot Golf Tournament during our Thanksgiving break.

The importance of this national organization cannot be overstated, Hispanics have an annual purchasing power of approximately $500 billion and the Chamber effectively represents the more than 1 million Hispanic-owned businesses. The organization's recent growth has shown its influence in communities not traditionally considered centers for Latino development, locations such as Richmond, Virginia; Charlotte, North Carolina and Minnesota's Twin Cities area.

The Hispanic Chamber of Commerce provides important recognition to its members and supporters through an annual awards program. Moreover, the organization furnishes its membership with a host of critical services, ably guided by the leadership of its President and CEO George Herrera, Chair Ms. Elizabeth Lisboa-Farrow, who also chairs the DC Chamber of Commerce; and Vice Chairman J.R. Gonzales, President of a communications firm in Austin, Texas.

Importantly, the Chamber has maintained international trade as one of its top long term priorities, even maintaining an office in Mexico City. The Hispanic Chamber of Commerce provides and promotes the kind of private sector trade initiatives and assistance that I believe all of us can support.

Mr. Speaker, I am gratified to be able to bring to the Floor today this resolution to recognize the important contributions of the United States Hispanic Chamber of Commerce and ask for the support of members in passing this item.

Mr. TOWNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 277.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING TUBEROUS SCLEROSIS

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 25) expressing the sense of the Congress regarding tuberous sclerosis, as amended.

The Clerk read as follows:

H. CON. RES. 25

Whereas at least two children born each day will be affected with tuberous sclerosis;

Whereas nearly one million people worldwide are known to have tuberous sclerosis;

Whereas tuberous sclerosis affects all races and ethnic groups equally;

Whereas tuberous sclerosis is caused by either an inherited autosomal disorder or by a spontaneous genetic mutation;

Whereas when tuberous sclerosis is genetically transmitted as an autosomal dominant disorder, a child with a parent with the gene will have a 50-percent chance of inheriting the disease;

Whereas two-thirds of the cases of tuberous sclerosis are believed to be a result of spontaneous mutation, although the cause of such mutations is a mystery;

Whereas diagnosis takes an average of 90 days with consultation of at least three specialists;

Whereas tuberous sclerosis frequently goes undiagnosed because of the obscurity of the disease and the mild form the symptoms may take; and

Whereas the Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the need for increased funding for research, detection, and treatment of tuberous sclerosis and to support the fight against tuberous sclerosis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) all Americans should take an active role in the fight against tuberous sclerosis by all means available to them, including early and complete clinical testing and investigating family histories;

(2) the role played by national and community organizations and health care providers

in promoting awareness of the importance of early diagnosis, testing, and ongoing screening should be recognized and applauded;

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, tuberous sclerosis;

(B) increase funding for research so that the causes of, and improved treatment for, tuberous sclerosis may be discovered; and

(C) continue to consider ways to improve access to, and the quality of, health care services for detecting and treating tuberous sclerosis; and

(4) the Director of the National Institutes of Health should take a leadership role in the fight against tuberous sclerosis by acting with appropriate offices within the National Institutes of Health to provide to the Congress a five-year research plan for tuberous sclerosis.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 25.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today to support this concurrent resolution increasing awareness of tuberous sclerosis and supporting programs for greater research.

Though few Americans have ever heard of tuberous sclerosis, it is a disease that affects 50,000 here at home and nearly 1 million people worldwide. It is a genetic disorder that causes seizures and tumor growth in vital organs such as the brain, heart, kidneys, lungs, and skin. Though these tumors are benign, they often compromise the proper functioning of essential organs. For example, many of those afflicted have some type of learning disability or behavioral problem caused by the combination of the brain tumors and seizures.

Individuals with tuberous sclerosis and their families face significant financial, emotional and social hardships. More than 60 percent of those living with the disease will never live independently. This means a dramatically reduced quality of life for both those afflicted and their families.

We can make a difference by raising awareness about the importance of early detection and proper treatment for tuberous sclerosis. The resources of the Federal Government's health and resource institutes can help advance the understanding of the biological factors causing this disease. Working in partnership with other research initiatives, we can help reduce the long-term impact of this problem.

H. Con. Res. 25 takes an important step in the fight against tuberous sclerosis, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I may consume.

I would like to thank the gentlewoman from New York (Mrs. KELLY) for her dedication to the issue of tuberous sclerosis. H. Con. Res. 25 expresses our support in the fight against tuberous sclerosis, a rare genetic disorder that affects the central nervous system.

Tuberous sclerosis affects one in 6,000 babies in our country and does not discriminate by race or by gender. At least two babies born today will be touched in this country by this disorder. It can cause kidney problems, brain tumors, skin abnormalities, seizures, and various degrees of mental disability. Tuberous sclerosis is frequently unrecognized and frequently misdiagnosed.

There is no cure for this disease, yet. The NINDS, one of the institutes of health, is studying this disorder, trying to find new treatments, trying to find new methods of prevention, and trying ultimately, of course, to find a cure.

Congress must continue to improve access to quality health care services for detecting and treating tuberous sclerosis.

This resolution encourages the director of NIH to take a leadership role in the fight to eradicate tuberous sclerosis.

□ 1545

As Members of Ohio are in unique positions to raise awareness about disorders that simply do not garner the attention that they deserve, the bill of the gentlewoman from New York (Mrs. KELLY) will help bring focus to the fight against tuberous sclerosis. I urge Congress to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. KELLY), who we are all indebted to for bringing the issue of tuberous sclerosis to our attention.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of the concurrent resolution, H. Con. Res. 25, expressing the sense of Congress regarding tuberous sclerosis. I commend the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Commerce, and the chairman of the Subcommittee on Health, the gentleman from Florida (Mr. BILIRAKIS), for acting so quickly to report this important legislation.

H. Con. Res. 25 represents the opportunity Congress has to educate Americans about the little known genetic disease tuberous sclerosis. It is estimated that at least two children born each day will have tuberous sclerosis. There are approximately 1 million people worldwide who are affected. TS is a disorder that can be inherited or result from genetic mutation. The disease is characterized by seizures and tumors which form in vital organs such as brain, heart, skin, kidneys and lungs. Though not malignant, these tumors can cause debilitating and sometimes life-threatening problems.

Diagnosis of TS is very difficult, and all too often it goes undetected or is misdiagnosed because its symptoms are similar to those of more common conditions like epilepsy or autism. It is often first recognized following a series of epileptic seizures or varying degrees of developmental delay. An average TS diagnosis takes 90 days and involves up to three specialists and numerous tests.

Preliminary research has found specific genes associated with tuberous sclerosis, but to date there is no widely used genetic test, leaving diagnosis to be based on clinical findings. Increased awareness of TS among health care providers and the general population is the key to early diagnosis.

As is the case with many diseases, early detection often determines TS patients' successes in managing the disease. With the variety of treatments currently available to ease symptoms and improve the quality of life for people with tuberous sclerosis, funding to promote awareness in the medical community as well as research to increase early diagnosis really are imperative.

For instance, early intervention has the potential to reduce developmental delay experienced by young patients. Likewise, surgery to remove tumors can help preserve organ function. TS is a permanent medical condition, and those affected and their families must cope with the illness for their entire lives. In some cases, TS does not preclude those who have it from living a relatively normal life. However, in most cases, it is much more intrusive. In addition to the difficulty of diagnosis, there are other post-diagnostic issues with which families must contend, such as obtaining adequate health insurance and, later in life, arranging for independent living solutions.

H. Con. Res. 25 highlights the severity of tuberous sclerosis and affirms the Federal Government's responsibility to facilitate research in this area. We must build on the foundation of knowledge of tuberous sclerosis that has already been built, largely through the organization and resources of friends and families of TS patients.

This bill instructs the director of the National Institutes of Health to work with the appropriate offices within NIH to bring awareness to this disease and to devise a 5-year plan for outlining research initiatives for TS. Congress must act to foster increased research on tuberous sclerosis. We must use our excellent scientific and medical resources to better understand this very complicated disease.

I urge my colleagues to support this worthwhile and necessary legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee.

Mr. TAUZIN. Mr. Speaker, I thank the chairman for yielding me this time and commend him for moving so expeditiously on this resolution, and also I want to commend the gentlewoman from New York (Mrs. KELLY) for her incredible work in this area and other areas. I understand she is also very similar, in moving a similar resolution on Crohn's Disease.

Yesterday, in the Nation's capital, we had an amazing function of families across America gathering for the Cancer Research Family Awareness Luncheon. Sam Donaldson was here, himself a cancer survivor. The whole idea behind the luncheon was to honor those who have worked tirelessly to make people aware of what early detection can do to cure it.

My mother is a three-time cancer survivor. In each case, because she caught it early, she was cured with operation rather than chemo or radiation, sort of a miracle. It started in 1960 with breast cancer; in 1980, then lung cancer; and, just recently, with uterine cancer.

The fact that we make people aware of these diseases so that their doctors and moms and dads can spot them when we see them and treat them sooner makes immeasurable difference not only in the care and treatment of these diseases, but very often in life itself. Many cancer survivors were there to tell their stories yesterday about how, because someone took the trouble to talk about these diseases on television, on the radio, on the floor of the House today, somebody paid attention, somebody caught it early, and somebody was better off for it.

Yesterday, for example, a young woman who is an anchor of a San Antonio, Texas television station was honored for the work she did. She discovered she had breast cancer. Instead of hiding the fact, she went on the air with it and actually did a documentary of how she went through treatment, and how they operated on the cancer and how she went through the incredible ordeal of the chemotherapy, losing her hair. She even did an anchor one night, bald, just to show that you can get through these things and you can live and you can survive if you are willing to be brave enough to face these diseases head-on and treat them early and deal with them.

Here, in this case, the gentlewoman from New York (Mrs. KELLY) has brought to us a concern of so many families, 50,000 families in America which have someone in their family with tuberous sclerosis. And here is another genetic disease that, if we pay enough attention to it, put a little research money on it, we will find a way to cure it and save an uncounted number of lives not only in America but around the world, and certainly make life much more comfortable and bearable for those who suffer with that disease today.

Again, I want to congratulate my colleague from New York for her fine work, and the chairman of the Subcommittee on Health (Mr. BILIRAKIS), and the ranking member, the gentleman from Ohio (Mr. BROWN), for their excellent cooperation in moving this and similar resolutions forward.

Mr. BEREUTER. Mr. Speaker, as a cosponsor of the concurrent resolution, this Member wishes to add his strong support for H. Con. Res. 25, which expresses the sense of Congress that the Federal Government has a responsibility to raise public awareness of tuberous sclerosis and educate all Americans about the importance of the early detection of, and proper treatment for the disease.

This Member would like to commend the distinguished gentleman from Louisiana [Mr. TAUZIN], the Chairman of the House Committee on Energy and Commerce, and the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the House Committee on Energy and Commerce, for bringing this important resolution to the House Floor today. This Member would also like to commend the gentlelady from New York [Mrs. KELLY] for sponsoring H. Con. Res. 25 and for her personal interest in tuberous sclerosis.

Tuberous sclerosis complex (TSC) is a genetic disorder characterized by seizures and tumor growth in vital organs such as the brain, heart, kidneys, lungs and skin. Individuals with tuberous sclerosis commonly begin having seizures during the first year of life, and conventional epilepsy therapies often do not control the seizure activity in infants, children or adults. Seizures, as well as brain tumors, contribute to cognitive impairment. As a result, a majority of those afflicted with tuberous sclerosis experience some form of learning disability or behavioral problem, such as attention deficit hyperactivity disorder, autism or mental retardation.

This Member recently received a letter from his constituents, Mr. and Mrs. Lorenz Niemeyer. The Niemeyer's are the proud grandparents of a 23-month old granddaughter, who was diagnosed with tuberous sclerosis at four weeks of age, having tumors on the brain. The Neimeyer's fear that their granddaughter is severely disabled, both mentally and developmentally.

The toll on the family of a person with tuberous sclerosis is enormous. Care for a tuberous sclerosis patient often requires on-going treatment that involves multiple medical specialists, speech, occupational and other therapists, as well as those skilled in the proper care and educational and emotional development of a medically and mentally disabled individual.

House Concurrent Resolution 25 expresses the sense of the Congress that the Federal Government has a responsibility to raise public awareness of tuberous sclerosis and educate all Americans about the importance of the early detection of, and proper treatment for, tuberous sclerosis. In addition, the resolution urges an increase in funding for research on tuberous sclerosis. Finally, H. Con. Res. 25 urges the National Institutes of Health to take a leadership role and to provide a five-year research plan in the fight against tuberous sclerosis.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Con. Res. 25.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 25, which expresses the sense of Congress regarding tuberous sclerosis. This measure urges increased federal aid for research and calls on the Director of the National Institutes of Health to help develop a five-year research plan for tuberous sclerosis. H. Con. Res. 25 also declares that all Americans should take an active role in the fight against this genetic disorder.

At least two children born each day will be affected with tuberous sclerosis (TS). Nearly one million people worldwide are known to have TS. TS does not discriminate against any race or ethnic group.

According to a report released by the Tuberous Sclerosis Association, preschool children with TS develop intellectual and behavioral problems. The intellectual development varies greatly. Approximately 40% will not have global (affecting all areas of intelligence) intellectual impairments. The remaining may have mile, moderate, or severe mental retardation.

It appears that children under the age of five years with moderate to severe mental retardation will remain mentally retarded to this degree into adulthood.

Problems with behavior are some of the most common difficulties experienced by children with TS. Poor expressive language, poor development of social skills, motor impairments, and hyperactivity or inattention are a few examples.

As this bill prescribes, early intervention is most effective. It has been found that during the first five years of life, developmentally disabled children tend to fall farther and farther behind children their own age who do not have developmental difficulties. These declines in the rate of intellectual development of disabled children and reduce with early intervention.

Mr. Speaker, let us work together to raise awareness of tuberous sclerosis and help children with this disorder to live a normal life. I urge my colleagues to support H. Con. Res. 25.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 25, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HANSEN'S DISEASE PROGRAMS CENTER

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2441) to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

The Clerk read as follows:

H.R. 2441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL HANSEN'S DISEASE PROGRAMS CENTER.

(a) REFERENCES IN PUBLIC HEALTH SERVICE ACT.—Section 320(a)(1) of the Public Health Service Act (42 U.S.C. 247e(a)(1)) is amended by striking ''Gillis W. Long Hansen's Disease Center'' and inserting ''National Hansen's Disease Programs Center''.

(b) PUBLIC LAW 105–78.—References in section 211 of Public Law 105–78, and in deeds, agreements, or other documents under such section, to the Gillis W. Long Hansen's Disease Center shall be deemed to be references to the National Hansen's Disease Programs Center.

(c) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Gillis W. Long Hansen's Disease Center shall be deemed to be a reference to the National Hansen's Disease Programs Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2441.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2441, changing the name of the Gillis W. Long Hansen's Disease Center housing the National Hansen's Disease Program to The National Hansen's Disease Programs Center.

This change is necessary to avoid further confusion in mail delivery between the former location of the NHDP and its current location. Mail is often misdirected, delaying important research and legal documents. Name confusion has also delayed critical patient medical information.

NHDP continues to treat some 6,000 people in the United States with Hansen's disease. Receiving patient medical records is critical to that treatment. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

The National Hansen's Disease Programs in Baton Rouge, Louisiana is the only institution in the U.S. exclusively devoted to the complex infectious disease known as Hansen's disease. Hansen's disease can cause nerve damage, resulting in the loss of muscle control and the crippling of the hands and feet.

Fortunately, considerable progress has been made over the last 40 years to treat successfully the majority of Hansen's disease cases. There are roughly 6,500 cases of this disease in the United States.

In the 105th Congress, the National Hansen's Disease Programs, located in the Gillis Long Disease Center in Carville, Louisiana was relocated to Baton Rouge. Although the programs moved from Carville to Baton Rouge, they still bear the name Gillis Long Hansen's Disease Center. Likewise, the Louisiana National Guard in Carville is named the Gillis Long Center.

As a result of these two facilities sharing a name, the National Hansen's Disease Program has suffered from unnecessary postal delays. This bill clears up confusion and reinforces the unique function of the Baton Rouge facility by renaming it the National Hansen's Disease Programs Center.

H.R. 2441 is straightforward legislation. It is located in the State of the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN), and I urge my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, again my thanks to the chairman for yielding me this time.

I rise in strong support of H.R. 2441, sponsored by my friend and colleague, the gentleman from the great State of Louisiana (Mr. BAKER).

The National Hansen's Disease Programs has a long history of excellence, beginning with the humane treatment rather than detention of those with leprosy in the late 1800s, the development of the treatment for leprosy in the 1940s, and the current extension of research to tuberculosis and diabetes. It has been an important part of Louisiana's great history and this Nation's great history. Countless lives were changed in what many called the ''Miracle of Carville.''

In the 105th Congress, we passed a bill transferring ownership of the Gillis W. Long Hansen's Disease Center in Carville, Louisiana from the Department of Health and Human Services to the State of Louisiana and moving it to Baton Rouge. The NHDP has continued its fine work in Baton Rouge instead of Carville, but the Carville facility has retained the name the Gillis W. Long Hansen's Disease Center. As required by law, the new facility in Baton Rouge is also called the Gillis W. Long Hansen's Disease Center.

You can imagine the confusion. The bill simply straightens out the confusion, to make sure the mail goes to the proper party, and changes the name of the NHDP to the National Hansen's Programs Center to eliminate that confusion. It has the support, by the way, of our good friend, former Congresswoman Long, who is Gillis' widow, and a dear friend of ours, and I urge the adoption of this resolution.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. BAKER), who is responsible for this legislation.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding me this time and wish to express my appreciation to both gentlemen for their courtesies in facilitating such prompt consideration of this important matter.

For those not familiar with the fine institution in Louisiana, in Carville, known as the Gillis W. Long Hansen's Disease Center, it is in fact a very historic facility which has provided immeasurable service to many people throughout its longstanding history.

It is important that the Congress favorably act on this important name change today, for a very simple but important administrative reason. The National Hansen's Disease Programs have been relocated from the Carville facility to a new institution at the Summit Hospital within Baton Rouge. However, under the current regulatory provisions, that secondary site must also be designated as the Gillis W. Long Center, therein creating problems for the patients of the new Hansen's Disease Programs in Baton Rouge.

Even simple matters such as delivery of mail now is necessitated to go through the Carville Academy site, as opposed to going directly to the National Hansen's Disease Center Programs.

□ 1600

This name change facilitates that. However, it in no way diminishes the importance of the Gillis W. Long Center, where there has been an extraordinary change over the past several years in the scope and direction of that valuable property.

For well over 100 years, it was the target for treatment and research for Hansen's disease. But in an act passed by this Congress a few years ago, ownership of the facility was transferred to the State of Louisiana and a youth at-risk education program has been created there. In this brief time since the program's initiation, the Youth Challenge Program has seen 3,582 students graduate from this new programmatic activity. What is remarkable is the likelihood of these individuals completing their high school education was seriously in question.

After exposure to this fine program, 3,500 students have successfully completed the educational curricula. Twenty-four percent of our graduates have gone on to engage in military service, while another 50 percent have been employed or are in some job training program, while the remaining 20 percent have gone on to higher education pursuits. Some 13 percent have gone on to college.

It is a remarkable program which carries on in the random tradition of Congressman Gillis Long, a tireless servant of the American public, and his spouse, a former Member as well, Cathy Long, who is well aware of this name change.

This programmatic activity is in the highest of American principles. We give nothing away except a chance; and young people from across our great State who are unlikely to be successful in any other endeavor, come here to find renewed hope and opportunity through discipline, education, and job training. It, in fact, is carrying on the mission of the Sisters of Charity who served countless numbers of hopeless social outcasts for many years at the Hansen's Disease Center. They too have signed on to the program at Carville Academy, seeing the hope and vision that this opportunity creates for the innumerable graduates of this fine program.

To both chairmen, I ask that the House do concur in this recommendation.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 2441.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING MAUREEN REAGAN ON THE OCCASION OF HER DEATH AND EXPRESSING CONDOLENCES TO HER FAMILY

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 60) honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell, as amended.

The Clerk read as follows:

H.J. RES. 60

Whereas the Congress is greatly saddened by the tragic death of Maureen Reagan on August 8, 2001;

Whereas Maureen Reagan's love of life and countless contributions to family and the Nation serve as an inspiration to millions;

Whereas Maureen Reagan was a remarkable advocate for a number of causes and had many passions, the greatest being her dedication to addressing the scourge of Alzheimer's disease;

Whereas in 1994 when former President Ronald Reagan announced that he had been diagnosed with Alzheimer's disease, Maureen Reagan joined her father and Nancy Reagan in the fight against Alzheimer's disease and became a national spokesperson for the Alzheimer's Association;

Whereas Maureen Reagan served as a tireless advocate to raise public awareness about Alzheimer's disease, support care givers, and substantially increase the Nation's commitment to research on Alzheimer's disease;

Whereas Maureen Reagan helped inspire the Congress to increase Federal research funding for Alzheimer's disease by amounts proportionate to increases in research funding for other major diseases;

Whereas Maureen Reagan went far beyond merely lending her name to the work of the Alzheimer's Association: she was a hands-on activist on the association's board of directors, a masterful fund-raiser, a forceful advocate, and a selfless and constant traveler to anywhere and everywhere Alzheimer's advocates needed help;

Whereas at every stop she made and every event she attended in her efforts to eradicate Alzheimer's disease through research, Maureen Reagan emphasized that researchers are in a ''race against time before Alzheimer's reaches epidemic levels'' with the aging of the Baby Boomers;

Whereas Maureen Reagan stated before the Congress in 2000 that ''14 million Baby Boomers are living with a death sentence of Alzheimer's today'';

Whereas despite her declining health, Maureen Reagan never decreased her efforts in her battle to eliminate Alzheimer's disease;

Whereas during the last six months of her life, from her hospital bed and home, Maureen Reagan urged the Congress to increase funding for Alzheimer's disease research at the National Institutes of Health;

Whereas Maureen Reagan said, ''The best scientific minds have been brought into the race against Alzheimer's, a solid infrastructure is in place, and the path for further investigations is clear. What's missing is the money, especially the Federal investment, to keep up the pace.''; and

Whereas Maureen Reagan's remarkable advocacy for the millions affected and afflicted by Alzheimer's disease will forever serve as an inspiration to continue and ultimately win the battle against the illness: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress, on the occasion of the tragic and untimely death of Maureen Reagan—

(1) recognizes Maureen Reagan as one of the Nation's most beloved and forceful champions for action to cure Alzheimer's disease and treat those suffering from the illness; and

(2) expresses deep and heartfelt condolences to the family of Maureen Reagan, including her husband Dennis Revell and her daughter Rita Revell.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.J. Res. 60 honoring Maureen Reagan. I would like to thank the gentleman from Massachusetts (Mr. MARKEY) for sponsoring this resolution. Maureen Reagan was once described by one of her critics as one who was ''not schooled in the ways of holding her tongue.'' Thank goodness she was not because we are all better off as a result of her powerful words.

Her desire to contribute to our Nation started at a young age when in 1952 she knocked on doors for Dwight Eisenhower. That early enthusiasm stretched into her adult life. She promoted American businesses abroad in the early 1980s, represented the United States at the U.N. Decade for Women Conference in 1985, and chaired the Republican National Committee as well as the Republican Women's Political Action League.

More than all of this impressive and important work, however, what stands out most as an inspiration to millions of Americans is her tireless dedication to addressing the plague of Alzheimer's disease. The chairman of the Alzheimer's Association board of directors called her the Joan of Arc of Alzheimer's. Anyone whose life has been touched or will be touched by the disease owes her a debt of gratitude. Even at the end of her life she disregarded her own failing health in order to educate people about Alzheimer's and speak in favor of increased funding for research. As Ms. Reagan said, ''We are in a race against time before Alzheimer's reaches epidemic levels.''

Today, 4 million people are living with Alzheimer's; and this number will grow as the baby boomer population ages. Research is essential to a cure for Alzheimer's, and funding is essential to research. The experts are gaining ground, and the course for future science is clear. Before this disease puts an incredible strain on our Nation's public health system, we must take the initiative, Maureen Reagan's initiative, and confront this scourge with a commitment to finding a remedy.

Mr. Speaker, the Secret Service agents who guarded Maureen Reagan in life and who carried her casket at her funeral had given her the code name ''Radiant.'' I believe there is not a more fitting description of her life, her work and her memory. Mr. Speaker, I hope all of my colleagues will join me in supporting H.J. Res. 60 in honoring Maureen Reagan, her work and her courageous spirit.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY), for his work on this resolution, H.J. Res. 60, recognizing Maureen Reagan as one of the country's most effective advocates on behalf of Alzheimer's disease and expresses the House condolences to her family.

Maureen Reagan is the daughter of former President Ronald Reagan and his first wife, actress Jane Wyman. She died in August of this year after a courageous 5-year battle with malignant melanoma. She was 60 at the time. Since her father's diagnosis of Alzheimer's in 1994, Maureen Reagan was

committed to raising awareness about Alzheimer's and the importance of family caregivers.

She was elected a member of the Alzheimer's Association's national board 3 years ago. She testified on numerous occasions before this Congress and State legislatures in support of more funding for Alzheimer's research and caregivers' support.

A year ago she received the Alzheimer's Association Distinguished Service Award for outstanding service to the national board and for helping to advance the mission of this organization. She was also active in raising awareness about melanoma, the deadliest form of skin cancer. In 1998, she received the president's Gold Triangle Award from the American Academy of Dermatology for her work in raising awareness of melanoma and for promoting the importance of skin examination. For that we recognize her.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank my colleagues for helping to make this resolution possible. The gentleman from New Jersey (Mr. SMITH) and I introduced this resolution as a way of honoring this great woman. She died on August 8. She passed away after having waged a courageous 5-year battle with cancer. With her passing, this country has lost a true leader in the fight against Alzheimer's disease. She was an extraordinary woman, a talented spokesperson, a tireless advocate.

As a member of the Alzheimer's Association's national board of directors, she worked with Members of Congress to increase funding for Alzheimer's research. She provided compelling testimony before Congress warning that Alzheimer's was on the road to becoming the epidemic of the 21st century unless science could find a way to prevent millions of baby boomers from getting the disease.

Just prior to her untimely death, she called on Congress to double the funding for Alzheimer's research at the NIH to $1 billion by 2003. As co-chair with the gentleman from New Jersey (Mr. SMITH) of the Congressional Task Force on Alzheimer's Disease, I always valued Maureen's sage advice on task force goals and legislative initiatives.

In March 2000 when Maureen came to lobby Congress for increased Alzheimer's research funding, in between a busy schedule of press interviews and visits with congressional leaders, she spent several hours meeting with members of the Alzheimer's Task Force, including the gentleman from New Jersey (Mr. SMITH) and myself. In that meeting, Maureen expertly outlined the research breakthroughs of the 1990s and reiterated that scientists were in a race against time to find the answers to Alzheimer's disease.

With grace and warmth and delightful wit, Maureen convinced lawmakers to pay attention to the scourge plaguing one in 10 Americans over the age of 65, and 50 percent of the seniors over the age of 85. She took the tragedy of her own father's illness and chose to fight not only for him, but also for the 4 million Americans who currently have Alzheimer's disease and for the 15 million Americans who are predicted to have this disease by the time all of the baby boomers have retired, a staggering number of Americans.

Mr. Speaker, it takes tremendous courage to take on Alzheimer's disease in such a public way when a parent is still at home in a deteriorating condition from that same disease. She knew that there was no time to waste, and so she took on the challenge despite a heavy emotional burden. Even as her own health declined, she refused to let up in her advocacy role, continuing her fight for more Federal research dollars from her hospital bed, and later while recovering from cancer treatments at home in California.

Mr. Speaker, I can think of no better way to pay tribute to Maureen's legacy than to continue her fight to create a world without Alzheimer's disease. Although we have lost her voice, Maureen's passion and energy live on and continue to inspire us as we work to improve the quality of life for those affected by Alzheimer's disease.

Mr. Speaker, I am deeply saddened by the loss of Maureen and miss her dearly. My thoughts and prayers are with her husband, Dennis, her daughter, Rita, and the entire Reagan family. May she rest in peace.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I rise in support of House Joint Resolution 60 honoring Maureen Reagan, and I recognize the gentleman from Massachusetts (Mr. MARKEY) for his extraordinary thoughtfulness and consideration in offering this resolution. This resolution speaks as well of Maureen Reagan as it does of its author, the gentleman from Massachusetts (Mr. MARKEY), for his fine work as co-chair of the Alzheimer's task force and for the great work the gentleman has done for bringing attention to this issue.

Maureen Reagan was a vivacious woman with a passion for life and family and country. She had a contagious enthusiasm, an unshakeable will for all of the interests that she pursued. She actively campaigned for her father, former President Ronald Reagan, and spent much energy in the 1980s fundraising for Republican women who were seeking office.

Although she was nationally recognized for her political activities and her commentary, it was her work for victims of Alzheimer's that brought the most attention to her life and perhaps her greatest contribution. When the disease silenced the great communicator, Maureen Reagan, who shared her father's knack for public speaking, became the national spokeswoman for the Alzheimer's Association, and her advocacy raised awareness of not only her father's condition, but also the 4 million Americans currently living with Alzheimer's.

□ 1615

In the final years of her life she traveled the Nation nearly nonstop, ignoring her own failing health, to gather support for Alzheimer's patients and their caregivers.

She was unwavering in her enthusiasm and optimism that a cure was close at hand and she made several appearances here before Congress, calling for increased Federal spending. Although Ms. Reagan did not live to see a cure for Alzheimer's, the national recognition of the disease and the resulting progress and research have much to do with her efforts. Just last week a report was issued that a single ibuprophen tablet taken each day can literally limit the onset and, in fact, diminish and decrease the onset of Alzheimer's disease. That kind of research is possible today, those breakthroughs, because of much of the work that she did. Her tireless commitment and campaign against Alzheimer's will serve as an inspiration for those who continue to fight this ghastly disease.

Again, I want to thank the gentleman from Massachusetts (Mr. MARKEY), my dear friend, for his thoughtfulness and consideration in bringing this resolution forward, and I urge its adoption.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. BILIRAKIS), my colleague and good friend. I am happy to be here today to come to the floor of the House to join with my colleagues in the House to commemorate the life and work of a dear friend, the strong and vibrant Maureen Reagan.

Mr. Speaker, many things have been said on this House Floor today about Maureen Reagan, all of which I share, and I would like to join in and add my voice to the same great comments that have been made about Maureen Reagan and her life and her dedication to what she did. The numerous contributions that Maureen made to the causes and charities that she pursued would remind all of us of the person, the courage, and the passion and the leadership qualities that she shared with her father.

Mr. Speaker, many times I have met with Maureen and her family, either at her home in California or mine in Nevada, and never once did Maureen, even though she was afflicted with cancer, ever complain about her status, her health, or the fact that she did have a terrible disease called cancer. She was always vibrant, she was always outspoken, always talking positively and

passionately about the future and where she was going with her work in dealing with these charitable organizations and issues that she did deal with.

In putting these great qualities to work, Maureen would go on to leave many of her own footsteps across this Nation for many to follow. She never once needed her name to prove both her effectiveness or her charm. Maureen's deep commitment to raising the awareness of Alzheimer's disease and the importance of research confirmed her status as a selfless, dedicated benefactor for millions of Americans. I extend my heartfelt prayers and deepest condolences to Maureen's husband, Dennis, and her lovely daughter, Rita. Indeed, the sense of loss that our Nation has felt is in no comparison to that, I am sure, of Maureen's own family.

Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MARKEY), as well as the gentleman from New Jersey (Mr. SMITH) for bringing H.J. Res. 60 to the floor, and I urge my colleagues to join me in honoring this courageous and amazing woman. Maureen's contributions to her family and Nation will certainly never be forgotten.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I want to thank, as did the gentleman from Louisiana (Mr. TAUZIN) a few moments ago, our very distinguished colleague from Massachusetts (Mr. MARKEY) for his kindness in sponsoring this legislation. I think it shows a real sensitivity for Maureen Reagan who was a very courageous woman, wife and mother, and a tireless advocate, a champion, for research and medical assistance for Alzheimer's patients and, equally important, for their caregivers.

As we all know, one of those victims includes her own father, President Ronald Reagan. Ronald Reagan was a fighter since his early days growing up during the Great Depression, but he turned his disclosure that he suffered from Alzheimer's Disease into a battle for more research money and more assistance for his fellow patients. When Ronald Reagan was unable to continue this fight because of his own deteriorating condition, his daughter, Maureen Reagan, stepped up to the plate and became one of the most tenacious advocates for Alzheimer's research and for trying to find a cure for this horrific disease. Her untimely death to cancer this past summer caused the Alzheimer's community to lose one of its best.

Significantly, even while battling cancer during 5 tough years, Maureen never rested in her quest to try to procure more research money and to help more patients and their loved ones with this terrible disease. Not long before she died, as the gentleman from Massachusetts pointed out earlier, she called on Congress to double to $1 billion the amount of money allocated for Alzheimer's research by the National Institutes of Health.

As was also pointed out, this disease afflicts so many of our families. Half of those over age 85 suffer to some degree from Alzheimer's, and 1 of every 10 Americans over the age of 65 also is in some stage of Alzheimer's disease. The current number of affected—4 million—will grow to 14 million people if we do not take prompt action and do all that is humanly possible to mitigate and hopefully eradicate this terrible disease.

Maureen Reagan was a great champion. She will be sorely missed in this battle. And we want to just, and I know this will be a unanimous vote on both sides of the aisle, say to her loved ones, to her husband and to her daughter and to the entire family, how much we deeply care for them and how we miss Maureen Reagan.

Mr. THOMAS. Mr. Speaker, I rise today to support H.J. Res. 60 and to pay tribute to my friend Maureen Reagan, a loving wife and mother, a dedicated member of the Republican Party, and a crusader for Alzheimer's Disease sufferers. I also extend my deepest condolences to her husband, my friend and former constituent, Dennis Revell, and their daughter Rita.

I had the privilege of knowing Maureen for over two decades. In 1980, she was a tireless volunteer in her father's campaign for the White House. Following his election, she became a vigorous activist for female Republicans, raising funds for over 100 candidates. She also served in an appointed position in the California Republican Party, and later ran to be a Member of this House.

After President Reagan poignantly shared with the world his Alzheimer's diagnosis, Maureen continued to dedicate her life to another worthy cause: educating the American public about this debilitating and degenerative disease. Even as Maureen was personally battling cancer, her resolve in making Americans more aware of Alzheimer's disease was remarkable; her passion unyielding. Testifying in front of congressional committees, Ms. Reagan added her voice in promoting the worthy work of our federal medical research agencies. Until the very end, Maureen continually reminded all of us how public advocacy can be vibrant and how public service can be courageous.

She will be missed by her family and friends, by the Alzheimer's patients for whom she worked so tirelessly, by the Republican party, and indeed by all Americans.

Ms. HARMAN. Mr. Speaker, one of the best parts of seeking my seat in Congress was meeting Maureen Reagan in 1992, when she ran in the primary for her party's nomination. It was my good fortune that, after Maureen lost, her supporters became mine and she and I became great friends.

Maureen brought an intelligence and vibrancy to the campaign and although she did not win her party's nomination, she continued to influence many policy debates, particularly in health care after her father revealed he was suffering from Alzheimer's disease.

I am deeply saddened to lose a friend. California and the nation have lost a strong and active voice.

I join my colleagues in honoring the life of Maureen Reagan.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the joint resolution, H. J. Res. 60, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

ADMINISTRATIVE SIMPLIFICATION COMPLIANCE ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3323) to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Administrative Simplification Compliance Act''.

SEC. 2. EXTENSION OF DEADLINE FOR COVERED ENTITIES SUBMITTING COMPLIANCE PLANS.

(a) IN GENERAL.—

(1) EXTENSION.—Subject to paragraph (2), notwithstanding section 1175(b)(1)(A) of the Social Security Act (42 U.S.C. 1320d–4(b)(1)(A)) and section 162.900 of title 45, Code of Federal Regulations, a health care provider, health plan (other than a small health plan), or a health care clearinghouse shall not be considered to be in noncompliance with the applicable requirements of subparts I through R of part 162 of title 45, Code of Federal Regulations, before October 16, 2003.

(2) CONDITION.—Paragraph (1) shall apply to a person described in such paragraph only if, before October 16, 2002, the person submits to the Secretary of Health and Human Services a plan of how the person will come into compliance with the requirements described in such paragraph not later than October 16, 2003. Such plan shall be a summary of the following:

(A) An analysis reflecting the extent to which, and the reasons why, the person is not in compliance.

(B) A budget, schedule, work plan, and implementation strategy for achieving compliance.

(C) Whether the person plans to use or might use a contractor or other vendor to assist the person in achieving compliance.

(D) A timeframe for testing that begins not later than April 16, 2003.

(3) ELECTRONIC SUBMISSION.—Plans described in paragraph (2) may be submitted electronically.

(4) MODEL FORM.—Not later than March 31, 2002, the Secretary of Health and Human Services shall promulgate a model form that persons may use in drafting a plan described in paragraph (2). The promulgation of such

form shall be made without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(5) ANALYSIS OF PLANS; REPORTS ON SOLUTIONS.—

(A) ANALYSIS OF PLANS.—

(i) FURNISHING OF PLANS.—Subject to subparagraph (D), the Secretary of Health and Human Services shall furnish the National Committee on Vital and Health Statistics with a sample of the plans submitted under paragraph (2) for analysis by such Committee.

(ii) ANALYSIS.—The National Committee on Vital and Health Statistics shall analyze the sample of the plans furnished under clause (i).

(B) REPORTS ON SOLUTIONS.—The National Committee on Vital and Health Statistics shall regularly publish, and widely disseminate to the public, reports containing effective solutions to compliance problems identified in the plans analyzed under subparagraph (A). Such reports shall not relate specifically to any one plan but shall be written for the purpose of assisting the maximum number of persons to come into compliance by addressing the most common or challenging problems encountered by persons submitting such plans.

(C) CONSULTATION.—In carrying out this paragraph, the National Committee on Vital and Health Statistics shall consult with each organization—

(i) described in section 1172(c)(3)(B) of the Social Security Act (42 U.S.C. 1320d–1(c)(3)(B)); or

(ii) designated by the Secretary of Health and Human Services under section 162.910(a) of title 45, Code of Federal Regulations.

(D) PROTECTION OF CONFIDENTIAL INFORMATION.—

(i) IN GENERAL.—The Secretary of Health and Human Services shall ensure that any material provided under subparagraph (A) to the National Committee on Vital and Health Statistics or any organization described in subparagraph (C) is redacted so as to prevent the disclosure of any—

(I) trade secrets;

(II) commercial or financial information that is privileged or confidential; and

(III) other information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed to affect the application of section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), including the exceptions from disclosure provided under subsection (b) of such section.

(6) ENFORCEMENT THROUGH EXCLUSION FROM PARTICIPATION IN MEDICARE.—

(A) IN GENERAL.—In the case of a person described in paragraph (1) who fails to submit a plan in accordance with paragraph (2), and who is not in compliance with the applicable requirements of subparts I through R of part 162 of title 45, Code of Federal Regulations, on or after October 16, 2002, the person may be excluded at the discretion of the Secretary of Health and Human Services from participation (including under part C or as a contractor under sections 1816, 1842, and 1893) in title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) PROCEDURE.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) (other than the first and second sentences of subsection (a) and subsection (b)) shall apply to an exclusion under this paragraph in the same manner as such provisions apply with respect to an exclusion or proceeding under section 1128A(a) of such Act.

(C) CONSTRUCTION.—The availability of an exclusion under this paragraph shall not be construed to affect the imposition of penalties under section 1176 of the Social Security Act (42 U.S.C. 1320d–5).

(D) NONAPPLICABILITY TO COMPLYING PERSONS.—The exclusion under subparagraph (A) shall not apply to a person who—

(i) submits a plan in accordance with paragraph (2); or

(ii) who is in compliance with the applicable requirements of subparts I through R of part 162 of title 45, Code of Federal Regulations, on or before October 16, 2002.

(b) SPECIAL RULES.—

(1) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(A) as modifying the October 16, 2003, deadline for a small health plan to comply with the requirements of subparts I through R of part 162 of title 45, Code of Federal Regulations; or

(B) as modifying—

(i) the April 14, 2003, deadline for a health care provider, a health plan (other than a small health plan), or a health care clearinghouse to comply with the requirements of subpart E of part 164 of title 45, Code of Federal Regulations; or

(ii) the April 14, 2004, deadline for a small health plan to comply with the requirements of such subpart.

(2) APPLICABILITY OF PRIVACY STANDARDS BEFORE COMPLIANCE DEADLINE FOR INFORMATION TRANSACTION STANDARDS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the period that begins on April 14, 2003, and ends on October 16, 2003, a health care provider or, subject to subparagraph (B), a health care clearinghouse, that transmits any health information in electronic form in connection with a transaction described in subparagraph (C) shall comply with the requirements of subpart E of part 164 of title 45, Code of Federal Regulations, without regard to whether the transmission meets the standards required by part 162 of such title.

(B) APPLICATION TO HEALTH CARE CLEARINGHOUSES.—For purposes of this paragraph, during the period described in subparagraph (A), an entity that processes or facilitates the processing of information in connection with a transaction described in subparagraph (C) and that otherwise would be treated as a health care clearinghouse shall be treated as a health care clearinghouse without regard to whether the processing or facilitation produces (or is required to produce) standard data elements or a standard transaction as required by part 162 of title 45, Code of Federal Regulations.

(C) TRANSACTIONS DESCRIBED.—The transactions described in this subparagraph are the following:

(i) A health care claims or equivalent encounter information transaction.

(ii) A health care payment and remittance advice transaction.

(iii) A coordination of benefits transaction.

(iv) A health care claim status transaction.

(v) An enrollment and disenrollment in a health plan transaction.

(vi) An eligibility for a health plan transaction.

(vii) A health plan premium payments transaction.

(viii) A referral certification and authorization transaction.

(c) DEFINITIONS.—In this section—

(1) the terms ''health care provider'', ''health plan'', and ''health care clearinghouse'' have the meaning given those terms in section 1171 of the Social Security Act (42 U.S.C. 1320d) and section 160.103 of title 45, Code of Federal Regulations;

(2) the terms ''small health plan'' and ''transaction'' have the meaning given those terms in section 160.103 of title 45, Code of Federal Regulations; and

(3) the terms ''health care claims or equivalent encounter information transaction'', ''health care payment and remittance advice transaction'', ''coordination of benefits transaction'', ''health care claim status transaction'', ''enrollment and disenrollment in a health plan transaction'', ''eligibility for a health plan transaction'', ''health plan premium payments transaction'', and ''referral certification and authorization transaction'' have the meanings given those terms in sections 162.1101, 162.1601, 162.1801, 162.1401, 162.1501, 162.1201, 162.1701, and 162.1301 of title 45, Code of Federal Regulations, respectively.

SEC. 3. REQUIRING ELECTRONIC SUBMISSION OF MEDICARE CLAIMS.

(a) IN GENERAL.—Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (20);

(B) by striking the period at the end of paragraph (21) and inserting ''; or''; and

(C) by inserting after paragraph (21) the following new paragraph:

''(22) subject to subsection (h), for which a claim is submitted other than in an electronic form specified by the Secretary.''; and

(2) by inserting after subsection (g) the following new subsection:

''(h)(1) The Secretary—

''(A) shall waive the application of subsection (a)(22) in cases in which—

''(i) there is no method available for the submission of claims in an electronic form; or

''(ii) the entity submitting the claim is a small provider of services or supplier; and

''(B) may waive the application of such subsection in such unusual cases as the Secretary finds appropriate.

''(2) For purposes of this subsection, the term 'small provider of services or supplier' means—

''(A) a provider of services with fewer than 25 full-time equivalent employees; or

''(B) a physician, practitioner, facility, or supplier (other than provider of services) with fewer than 10 full-time equivalent employees.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to claims submitted on or after October 16, 2003.

SEC. 4. CLARIFICATION WITH RESPECT TO APPLICABILITY OF ADMINISTRATIVE SIMPLIFICATION REQUIREMENTS TO MEDICARE+CHOICE ORGANIZATIONS.

Section 1171(5)(D) of the Social Security Act (42 U.S.C. 1320d(5)(D)) is amended by striking ''Part A or part B'' and inserting ''Parts A, B, or C''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION OF REGULATIONS.

(a) IN GENERAL.—Subject to subsection (b), and in addition to any other amounts that may be authorized to be appropriated, there are authorized to be appropriated a total of $44,200,000, for—

(1) technical assistance, education and outreach, and enforcement activities related to subparts I through R of part 162 of title 45, Code of Federal Regulations; and

(2) adopting the standards required to be adopted under section 1173 of the Social Security Act (42 U.S.C. 1320d–2).

(b) REDUCTIONS.—

(1) MODEL FORM 14 DAYS LATE.—If the Secretary fails to promulgate the model form described in section 1(a)(4) by the date that is 14 days after the deadline described in such section, the amount referred to in subsection (a) shall be reduced by 25 percent.

(2) MODEL FORM 30 DAYS LATE.—If the Secretary fails to promulgate the model form

described in section 1(a)(4) by the date that is 30 days after the deadline described in such section, the amount referred to in subsection (a) shall be reduced by 50 percent.

(3) MODEL FORM 45 DAYS LATE.—If the Secretary fails to promulgate the model form described in section 1(a)(4) by the date that is 45 days after the deadline described in such section, the amount referred to in subsection (a) shall be reduced by 75 percent.

(4) MODEL FORM 60 DAYS LATE.—If the Secretary fails to promulgate the model form described in section 1(a)(4) by the date that is 60 days after the deadline described in such section, the amount referred to in subsection (a) shall be reduced by 100 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. STARK) be permitted to control 10 minutes of the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Connecticut (Mrs. JOHNSON) on behalf of the gentleman from California (Mr. THOMAS) be permitted to control 10 minutes of time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3323, the Administrative Simplification Compliance Act introduced by the gentleman from Ohio (Mr. HOBSON).

A little over 5 years ago, Congress passed the Health Insurance Portability and Accountability Act, or HIPAA, a far-reaching law that imposed significant new requirements on health care plans and providers and created basic consumer protections in a number of areas. One of the most important provisions of the act, although infrequently discussed in Congress, relates to administrative simplification. This provision implements common standards for electronic health care transactions. It was designed to increase the health care system's efficiency and effectiveness, to improve law enforcement's ability to prevent fraud and abuse, and generally to reduce administrative burdens for plans and providers.

We in Congress strongly support the goals of administrative simplification. The provision's implementation will eliminate the confusing patchwork of electronic and paper standards that exist in the health care marketplace. However, as plans and providers move toward common electronic standards, we must also recognize that their efforts will require a significant amount of time and money, and that perhaps the time frames Congress originally set forth in statute to comply with these rules should be modified.

On August 17, 2000, the Department of Health and Human Services published its final rule implementing the standards for electronic health care transactions. The rule required all plans and providers to come into compliance with administrative simplification standards by October 16, 2002. From speaking with many people in the health care system during the past year, we have concluded that this deadline is much too ambitious.

That is why we are here today. The Hobson legislation will provide plans and providers with one additional year to come into compliance with the administrative simplification standards. His legislation, which is a compromise product negotiated between the bill's sponsors, the gentleman from Arizona (Mr. SHADEGG), the Committee on Energy and Commerce, and the Committee on Ways and Means allows covered entities the extra time they need to ensure that they will continue taking steps to come into compliance.

I would like to point out that one important change to the legislation is now in the bill in its reintroduced version. In its original form, H.R. 3323 imposed a $1 user fee on every paper claim submitted to the Medicare program. This provision has been replaced with a requirement that health care entities, with the exception of small providers, submit their claims to the Medicare program in electronic format. This requirement refinement significantly improves the bill and eliminates a tremendous burden for providers and the government.

Mr. Speaker, this legislation has been vetted extensively with the stakeholders in the health care system. It deserves everyone's vote and we should all be grateful for the fine work of the gentleman from Ohio (Mr. HOBSON) in the area.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, in 1996 Congress passed landmark legislation, and most of us know it as Kennedy/Kassebaum or HIPAA, that answered several difficult questions: How do we minimize coverage disruptions and barriers in the private health insurance market? How do we improve the efficiency of health care financing and delivery in the United States?

The gentlemen from my home State of Ohio (Mr. SAWYER) and (Mr. HOBSON) took on the second question. They championed commonsense provisions in HIPAA that ensure the transition to fully electronic transfers between health plans and providers. Electronic claiming is far superior to the old-fashioned paper version. It saves money, it saves trees, and it typically saves patients from paying out-of-pocket for services ultimately covered by insurance.

The deadline for implementing phase 1 of this transition is October 2002, but the reality is some sectors of the health industry and State governments need extra time to make the technical and the procedural changes necessary to achieve compliance. Delaying the compliance deadlines for administrative simplification is not an action any Member of Congress, Mr. Speaker, should take lightly.

CMS has estimated that the electronic claims processing can save $30 billion over 10 years. Any delay in implementation reduces, obviously, those associated savings. Health plans and providers throughout the country have invested time and money to gear up for this transition. To the extent that their new operations sit idle, they are losing money too. That said, it would be inappropriate to fault both public and private sector entities that work in good faith against a deadline they did not create and found they simply could not meet.

Mr. Speaker, H.R. 3323 accommodates the concerns of those on both sides of this issue. Under this legislation, health plans and providers must either meet the current compliance deadline or demonstrate their plans for achieving compliance by October 2003. This one-time 1-year extension creates a cushion for organizations bumping up against the current deadline without permitting an undue or indefinite delay.

Mr. Speaker, I am pleased to support this reasonable compromise. I again thank the gentlemen from Ohio (Mr. SAWYER) and (Mr. HOBSON) for their good work.

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Mr. TAUZIN. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman yielding time to me.

Mr. Speaker, I rise in support of H.R. 3323, a bill that would ensure that stakeholders in America's health care system are able to comply with regulations to standardize electronic health care transactions.

This legislation extends by 1 year the deadline for compliance with administrative simplification provisions created as part of the Health Insurance Portability and Accountability Act of 1996, which we fondly pronounce as HIPAA.

The legislation also implements an orderly transition process that will ensure that covered entities will be in a position to implement the new regulations by October of 2003.

In 1996, Congress passed HIPAA to improve efficiency and effectiveness in the health care system, to make it easier to detect fraud and abuse, facilitate access to health and medical information by researchers, and to reduce administrative costs.

When we passed HIPAA in 1996, it was the largest government action in health care since the creation of Medicare. Administrative simplification and standardization of the way medical data is transmitted electronically is vital to improving the quality of medical care. The American health care system currently has more than 12 million providers, plans, suppliers, and other participants that require access to medical data.

Today, there is no single standard by which this data can be exchanged electronically. Therefore, the full benefit of the technological revolution has yet to be implemented by the health care industry. Standardization of electronic data has the potential to simplify administrative functions, increase processing of medical claims, and improve the quality of care while substantially reducing health care costs.

However, flawed implementation of this process will prevent the full benefit of standardization from being realized. This bill alleviates this problem by requiring that each stakeholder seeking an extension submit a report to the Secretary of Health and Human Services on how they plan to implement electronic standardization. This will allow the Secretary to have access to the best transition plans that are proposed, allowing for an exchange of information that will benefit stakeholders less prepared to implement this process.

H.R. 3323 is a thoughtful and logical approach to ensuring that health care beneficiaries are able to take the fullest advantage of the coming revolution in medical care. I thank the gentleman from Arizona (Mr. SHADEGG) for taking the lead on this issue for the Committee on Energy and Commerce and the gentleman from Ohio (Mr. HOBSON) for introducing the support legislation.

I urge my colleagues to join me in supporting H.R. 3323.

Mr. TAUZIN. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. HOBSON), the author of the legislation.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Ohio (Mr. HOBSON) is recognized for 4 minutes.

Mr. HOBSON. Mr. Speaker, we have before us today a reasonable and balanced bill that provides the final push for an idea that my colleague, the gentleman from Ohio (Mr. SAWYER), and myself have been working on for 7 years: The simplification of paperwork associated with paying health care costs.

In 1993, my colleague, the gentleman from Ohio, began to develop legislation that would create a standard framework for electronic filing of health care claims. Today, we all recognize electronic health care filing represents significant advantages over paper filings for every level of health care, from providers to insurance.

However, the patchwork of different computer systems needed to electronically file claims with different health care payers made the process a complicated, expensive, and unwieldy situation.

In 1996, our work culminated in the administrative simplification provisions included in the Health Insurance Portability and Accountability Act of 1996, which required a common format for electronic health care claims. This would have the effect of simplifying the administrative burden associated with health care transactions, and would, according to the Health Care Financing Administration at the time, produce $9.9 billion in savings for the health care community.

By reducing administrative overhead, we also help improve the quality of health care by freeing up resources now devoted to paperwork and administration. However, for a variety of reasons, the regulations implementing the administrative simplification provisions enacted in 1996 were delayed.

Now, 5 years later, two final rules are set to take effect shortly. The first, regarding medical privacy, is left untouched by the legislation before this body today, and will take effect as scheduled in April of 2003. The second, establishing code sets in transactions, is set to take effect October 16, 2002.

However, the current state of readiness in the health care community is inconsistent, and significant sectors have argued for additional time to undertake systems changes necessary to reach compliance. At the same time, some entities clearly will be ready for the first set of standards.

Mr. Speaker, the gentleman from Ohio (Mr. SAWYER) and I recognize the need for additional time for some entities to come into compliance. At the same time, we must ensure that this time is fully utilized by all the parties and that those entities that want to move forward can do so without penalty.

Our legislation provides a solution to the current status by establishing two tracks for entities covered by the original statute. For those plans and providers who will be ready to go by October, 2002, they can proceed under the original timetable. These entities can be sending and receiving electronic transactions under the new standardized format in October of next year.

However, our legislation also recognizes some entities may have underestimated what was needed to be operationally compliant with the standards of 2002. That is why our bill includes a provision which allows these plans and providers to file a plan with the Secretary of the Department of Health and Human Services explaining the steps they will take to reach compliance.

One other important fact. This bill also ensures that the additional time provided is fully utilized, from the government's perspective. Our bill includes an authorization for $44.2 million for the Department of Health and Human Services which will allow the Department to adequately prepare for the transition.

This authorization will support activities at the Department associated with finishing the remaining work on the original standards providing technical assistance and educational outreach and enforcement activities.

Finally, our bill requires the filing of electronic claims with Medicare by extending the deadline to October 16, 2003, with the exception for small providers and those physically unable to file electronically. This will help prevent backsliding to paper transactions and will help focus all entities on reaching the cost-saving goals of the original statute.

In conclusion, this statute represents a balanced package of measures that does not simply delay the administrative simplification provisions, but rather, provides a clear plan and one-time extension to reach compliance in the marketplace.

I urge my colleagues to support this legislation; and I would like to thank the staffs of both committees, my staff, Michael Beer, the staff of the gentleman from Ohio (Mr. SAWYER), and the staff of the Committee on Commerce.

I would like to thank the leadership and the staff of the Committee on Ways and Means, and particularly the leadership of the gentleman from Texas (Mr. ARMEY) and the Speaker, who encouraged us to bring this bill forward. We think we have done something good here.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I appreciate the gentleman's leadership in this.

I heard the gentleman's statement about the authorization for I think the $44.2 million for CMS for the Department of Health and Human Services to carry out their work.

I know, as a distinguished member of the Committee on Appropriations, that that will come to the gentleman in another form.

I often feel that we have added many chores to the Department of Health and Human Services without being so concerned as to how they will perform the activities. I want to commend the gentleman for thinking ahead and asking for the support for the Department of Health and Human Services to see that they have the resources to carry out this work. I would like to join with him to see that we get the appropriated funds.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Summit and Portage Counties, Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank my friend, the gentleman from Lorain County, Ohio, for yielding time to me. I particularly want to thank my colleague, the gentleman from Ohio (Mr. HOBSON), for his leadership, his persistence, and his hard work, and in the last year, his attention to detail with regard to the administration of this.

I would also like to thank the chairman and ranking members of the Committee on Energy and Commerce and the Committee on Ways and Means, and particularly, their counterparts in the leadership of the subcommittees having to do with health care of both bodies.

Mr. Speaker, I want to thank them for their assistance on this legislation, for bringing it to the floor. This measure is a bipartisan compromise which keeps administrative simplification on track and should be passed by the House. The gentleman from Ohio (Mr. HOBSON) and I first started working on this back in the early 1990s. We met with a broad spectrum of industry groups on how to streamline the processes of administrative information and financial transactions.

By standardizing these efforts for electronic transmission, we, along with the industry, strongly believed that this would reduce paperwork, limit fraud and abuse where it may or may not exist, and help contain health care costs.

Every time we stand up here and talk about limiting waste, fraud and abuse, we do it too often by simply cutting money with the hopes that under that rubric, dollars lost can somehow go unreplaced. This goes a great deal further. It outlines a practical, hardheaded way to achieve the kinds of savings that we are talking about, and have been in this legislation for the last 5 years.

Back in September of 1993, the gentleman from Ohio (Mr. HOBSON) and I introduced this legislation for the first time. After 3 years of extensive and detailed consultation, the bill was included in HIPAA. According to HHS, as we have heard, it is expected to save about $30 billion.

Now, 5 years after enactment of the legislation, the first of a series of regulations are due to take effect next year. While an awful lot of health plans, hospital, and stakeholders have invested millions of dollars to be ready, some plans and some State Medicaid systems simply will not be in compliance in time.

That concern that this would disrupt transmission of health and financial information and cause any number of problems for the health care consumer is what motivates this legislation today. This bipartisan effort will prevent that from happening while still ensuring that the regulations are implemented in a timely manner.

For those who will not be ready, the bill holds them accountable by requiring them to file a plan documenting how they will reach compliance. If they fail to do so, they may not be able to participate in Medicare.

The document must include a budget, a work plan, and an implementation strategy for reaching compliance. This will ensure that at the end of the deadline all providers, plans, and other health care groups are ready. The plan must also outline a time frame for electronic testing, which means that consumers can be assured that there will be no disruptions in delivery, although the bill does provide additional time to reach compliance.

Everyone involved in this should know that this is a one-time deal. We hope Members will not come back again asking for any further delays. The answer the next time will be, I am certain, a clear and inarguable no.

This legislation will facilitate a smooth transition to processing electronic transactions and medical information by authorizing funds for HHS to issue the next set of regulations, and perhaps, even more importantly, to provide outreach, education, and technical assistance to those who seek to comply.

Many doctors' offices will need that kind of help in reaching compliance. This bill gives HHS the ability to help them.

Almost 10 years ago, we set out to make the health care system more efficient by encouraging the responsible electronic transfer of data. This legislation will help us meet that goal. I urge its passage.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Hobson bill. It is instructive that we passed this directive in 1996. That is 5 years ago. This was going to save the system $30 billion through greater efficiency, so it was with great conviction that many of us resisted, including the gentleman from California (Chairman THOMAS) of the Committee on Ways and Means, resisted a delay, and particularly an open-ended delay, of the implementation of these administrative simplification provisions of the Health Insurance Portability and Accountability Act.

However, in recent weeks it has become very clear that a number of providers and plans, as well as the State governments, have some legitimate reasons why they will have a hard time complying by the October 2002 deadline and have asked for a year's extension.

The gentlemen from Ohio (Mr. HOBSON and Mr. SAWYER) have developed a very responsible compromise which the Committee on Ways and Means supports, the Committee on Energy and Commerce supports, and really is a good example of how rational thinking can guide the Nation effectively.

This bill just creates a smoother glide path to compliance for all entities. It is not open-ended; it does require everybody who is going to be responsible to comply to think about what it is going to take to come into compliance with this very important provision, but one that is complicated, particularly for small providers or very, very large providers in this era of rapid change.

It forces those responsible to comply to think about what budget it will take, what work plan will accomplish the goal, what needs to be tested, what strategy needs to be adopted to impact and accomplish compliance with the HIPAA requirements. That is good. That means it will happen more surely and with better or greater effectiveness.

It not only requires that kind of planning, but it does not discourage those who can comply sooner.

□ 1645

I am particularly pleased that the Department of Health and Human Services under this legislation would be required to issue model guidance plans. So a lot of small providers can just take this plan, fill in the blanks and know exactly what they need to do and how they need to do it.

In addition, I am pleased that the bill requires the Secretary to disseminate reports from evaluating these plans that provide solutions to some of the problems that are identified through reviewing the compliance plans. This creates, in fact, a new partnership between government and the private sector as we near the compliance date for the HIPAA requirements, and I think that is going to mean a better quality of compliance as well as surer compliance with a new date a year from 2002, March 31.

I am also pleased that the bill does actually require all Medicare claims to be submitted electronically with the following exceptions: If there is no method to submit an electronic claim; or if one is a very small provider, a facility with fewer than 25 full-time employees; or a physician practice with fewer than 10 full-time employees; or in unusual circumstances as determined by the Secretary. I also believe that many of those small providers are going to use electronic means of submission because they are going to find it much faster, much more efficient, they will get paid more rapidly, and it will be more accurate.

But this bill does recognize that small compliers and certain other situations may require an exception. So I commend my colleagues, the gentleman from Ohio (Mr. Hobson) and the gentleman from Ohio (Mr. Sawyer) for moving with and through both the Committee on Ways and Means and the Committee on Energy and Commerce to bring this to the floor. It was really their knowledge of this issue, their insight, their determination that helped us find this very constructive solution.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I add my congratulations to the gentleman from Ohio (Mr. HOBSON) and the gentleman from Ohio (Mr. SAWYER) for working to push this bill to fruition.

Mr. Speaker, I rise in support of H.R. 3323. I remind my colleagues that the standards that we are talking about today for electronic claims and referrals are being passed because the health care industry asked for our help.

Unlike the banking industry or the securities industry and others, the health care providers could not agree amongst themselves on how to talk to each other electronically. They asked us to step in and help establish standards, and now many of the sectors of the health industry have realized the wisdom of the saying, ''Be careful what you wish for, you might get it.''

They support the goals of the administrative simplification, but they now say they underestimated the effort it will take for them to comply, and they say they need more time. I think some of the sectors, particularly hospitals, are ready to go and would like to participate in what they think might be up to $30 billion in savings. And I agree. I want these simplification plans to be adopted as soon as possible and with as little delay as we can allow them and still let them officially go ahead and put these rules into effect.

I would like to make one thing quite clear for the record, and that is that this bill does not delay the HIPAA privacy regulation, not for health plans, not for health care providers, not for health care clearinghouses. There has been some concern that extending the transaction and codes sets compliance deadline would effectively exempt some health care providers and health care clearinghouses from the privacy rule.

This bill should remove any and all ambiguity on that point. Any health care provider or health care clearinghouse that would be subject to the privacy rule before we pass this bill will still be subject to the privacy rule after we pass this bill, and they will need to comply by April of 2003. The bill does not delay the privacy compliance deadline or negatively impact the privacy regulation. It is that simple.

Having said that, again, all the people who have worked so diligently to bring this compromise and this bill to the floor, indeed, are to be congratulated. I hope it will save money, help the beneficiaries get their information more quickly and more efficiently, and help the providers provide good medical care to more people for less money over the years to come.

Mr. Speaker, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN), a member of the Subcommittee on Health of the Committee on Ways and Means. She is a hardworking member.

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 3323. That is a bill to delay the administrative simplification rules for 1 year. I want to thank the gentleman from California (Chairman THOMAS), the chairwoman of the Subcommittee on Health, the gentlewoman from Connecticut (Mrs. JOHNSON), and particularly my colleague, the gentleman from Ohio (Mr. HOBSON) for working very, very hard to put a compromise together that we could live with. They worked diligently and provided a 1-year delay without implementing a user fee.

I would like to thank the gentleman from Arizona (Mr. SHADEGG) for working with me earlier this year when we introduced legislation to provide for a 2-year delay.

While I would have preferred our bill, I recognize that the compromise we have today balances the need of maintaining oversight and encouraging all providers to comply with the regulations.

I am very pleased that the user fees were removed from this legislation. Like many of my colleagues, I was concerned about requiring some physician to pay a user fee when they will experience a reduction in Medicare payments next year. This delay is vital to help those struggling to meet the challenges of compliance. The people I represent, the doctors, the hospitals and the health plans, support a delay.

I ask my colleagues to support this legislation. It is good legislation. Let us get it to the President's desk before the end of the year.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I want to thank my colleague, the gentleman from Ohio (Mr. BROWN) as well as the gentleman from Ohio (Mr. SAWYER) again, and all the people who worked on this.

I want to explain to people this is a very complicated situation. This is not easy to do. It is not easy to understand what we are doing. This is a massive change in how we do things. But when we get done it will be more cost effective. We will have less fraud. We will have less abuse because we will have standardized coding. And we will have electronic transfer. And the frustrations that people have in doctors' offices about the huge stacks of bills that they are trying to collect should go away. That is a real step forward.

We hope to save more than the $29.9 billion that we are talking about in this bill with this type of activity.

The most important thing I want people to understand is sometimes we get all wrapped up in fights amongst ourselves. We did not in this legislation. The committees came together, the Members came together, and we worked out a situation that I think in the long run is maybe a better bill than we wrote, is a better bill than other people wrote. The finest solution to this is one that is good for this country, gives people time but moves the system forward to the final completion that we all want.

I want to particularly thank everybody, all the staffs, all the Members who worked so hard to make this work.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Ohio (Mr. HOBSON) for his really outstanding and consistent leadership on this issue.

Mr. MARKEY. Mr. Speaker, I rise in support of the language in the Administrative Simplification Compliance Act, H.R. 3323 which exempts from delay the compliance date for the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.

In 1996 Congress made a promise to the American people that by February 2001 medical privacy protections would be in place. Despite the efforts of privacy opponents who lobbied this Administration heavily to postpone the effective date of these protections, the final privacy rule went forward in April 2001—a victory for patients, doctors and the quality of our nation's health care. But we're not quite out of the woods yet—the Administration has indicated that certain sections of this rule are to be opened for public comment early next year. It is my hope that this plan will not serve to undermine the strong privacy protections already in place and that the compliance date for these protections will not be postponed.

The date of compliance for these first time, fundamental medical privacy protections is April 2003. While we can all agree that these protections don't go far enough in providing comprehensive privacy for medical records they are a good first step.

I praise Representative HOBSON, the author of H.R. 3323, for including language to preserve the compliance date for the HIPAA privacy protections. Americans have waited far too long for medical privacy and they deserve it as soon possible.

Mr. SHADEGG. Mr. Speaker, I rise to support H.R. 3323, the Administrative Simplification Compliance Act. Mr. Speaker, earlier this year, I introduced legislation, H.R. 1975, that would have greatly assisted health care providers, physicians, health plans, and the states in coming into compliance with the Administrative Simplification provisions that were passed as part of the Health Insurance Portability and Accountability Act (HIPAA). My bill recognized the difficulty that health plans, providers, and states face in updating their computer systems by delaying the HIPAA compliance date to the later of October 16, 2004, or two years after the Secretary finalized all of the Administrative Simplification regulations. Unfortunately, however, there was skepticism as to the merit of any extension.

While the intention of the Administrative Simplification requirements is meritorious—moving from a slothy paper-based health care transaction system to an efficient electronic-based one—it is clear that health plans and providers will not be able to meet the deadlines set forth in regulations that were late in their release. According to a recent survey conducted by Phoenix Health Systems, ''industry-wide readiness for the October 16,

2002 transactions deadline is questionable—even unlikely.

Further evidence of the difficulty of meeting the October 16, 2002 deadline for transactions and code sets found in an October 11, 2001 letter signed by the National Governors Association, National Conference of State Legislatures, Council of State Governments, National Association of Counties, National League of Cities, and the U.S. Conference of Mayors which stated ''State and local governments will be unable to meet the requirements of HIPAA under the current implementation schedule. Regardless of whether other covered entities—such as hospitals, health plans, providers, and clearinghouse—except to be compliant with HIPAA under the current system, if state and local governments are not ready, HIPAA will not work.''

The bill on the floor today represents a compromise. The bill does not contain all of the provisions I would like. It is, however, an improvement over its original form, which contained an onerous user fee on Medicare providers, an idea that has been rejected by the House of Representatives time and time again. In addition, the compliance plans that covered entities will have to submit—something that will get entities to focus on how to come into compliance—will be less burdensome under the new amended bill. I still have concerns about the bill's effect on small providers, but believe that the exceptions we have included are sufficient to not punish small physician practices.

Mr. Speaker, I want to thank Mr. HOBSON, Mr. SAWYER, Chairman TAUZIN, and Chairman THOMAS for their work on this issue.

Mr. DINGELL. Mr. Speaker, H.R. 3323, the ''Administrative Simplification Compliance Act'' is a responsible compromise. Congressman HOBSON and SAWYER have addressed the concerns of the health care industry while maintaining the integrity of the administrative simplification requirements. H.R. 3323 also reflects the bipartisan input of the committees of jurisdiction, the Committee on Energy and Commerce and the Committee on Ways and Means.

H.R. 3323 delays the implementation of the administrative simplification requirements in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by one year. It ensures, however, that those sectors of the health care industry that take advantage of this delay are using the extra year to ready themselves for compliance.

Most importantly, the bill ensures that the one-year delay of administrative simplification does not touch the implementation of the health information privacy requirements in HIPAA, which will go into effect as scheduled.

H.R. 3323 also requires that Medicare claims be submitted electronically, with reasonable exceptions. The Medicare program has paved the way in moving from paper-based claims processing to electronic processing, and this requirement will help Medicare run more smoothly.

Ultimately, the administration simplification requirements in HIPAA will make our health system more efficient. These requirements will result in billions of dollars in savings, thus freeing up more funds to focus on expanding health care coverage and promoting higher quality care. H.R. 3323 reaffirms the importance of these requirements while giving additional time to prepare for their implementation. I ask my colleagues to join me in support of this bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3323, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. JOHNSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MEDICARE REGULATORY AND CONTRACTING REFORM ACT OF 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program.

The Clerk read as follows:

H.R. 3391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Regulatory and Contracting Reform Act of 2001''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND CONSTRUCTION.

(a) FINDINGS.—Congress finds the following:

(1) The overwhelming majority of providers of services and suppliers in the United States are law-abiding persons who provide important health care services to patients each day.

(2) The Secretary of Health and Human Services should work to streamline paperwork requirements under the medicare program and communicate clearer instructions to providers of services and suppliers so that they may spend more time caring for patients.

(b) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to compromise or affect existing legal remedies for addressing fraud or abuse, whether it be criminal prosecution, civil enforcement, or administrative remedies, including under sections 3729 through 3733 of title 31, United States Code (known as the False Claims Act); or

(2) to prevent or impede the Department of Health and Human Services in any way from its ongoing efforts to eliminate waste, fraud, and abuse in the medicare program.

Furthermore, the consolidation of medicare administrative contracting set forth in this Act does not constitute consolidation of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund or reflect any position on that issue.

SEC. 3. DEFINITIONS.

(a) USE OF TERM SUPPLIER IN MEDICARE.—Section 1861 (42 U.S.C. 1395x) is amended by inserting after subsection (c) the following new subsection:

''Supplier

''(d) The term 'supplier' means, unless the context otherwise requires, a physician or other practitioner, a facility, or other entity (other than a provider of services) that furnishes items or services under this title.''.

(b) OTHER TERMS USED IN ACT.—In this Act:

(1) BIPA.—The term ''BIPA'' means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—REGULATORY REFORM

SEC. 101. ISSUANCE OF REGULATIONS.

(a) CONSOLIDATION OF PROMULGATION TO ONCE A MONTH.—

(1) IN GENERAL.—Section 1871 (42 U.S.C. 1395hh) is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (2), the Secretary shall issue proposed or final (including interim final) regulations to carry out this title only on one business day of every month.

''(2) The Secretary may issue a proposed or final regulation described in paragraph (1) on any other day than the day described in paragraph (1) if the Secretary—

''(A) finds that issuance of such regulation on another day is necessary to comply with requirements under law; or

''(B) finds that with respect to that regulation the limitation of issuance on the date described in paragraph (1) is contrary to the public interest.

If the Secretary makes a finding under this paragraph, the Secretary shall include such finding, and brief statement of the reasons for such finding, in the issuance of such regulation.

''(3) The Secretary shall coordinate issuance of new regulations described in paragraph (1) relating to a category of provider of services or suppliers based on an analysis of the collective impact of regulatory changes on that category of providers or suppliers.''.

(2) GAO REPORT ON PUBLICATION OF REGULATIONS ON A QUARTERLY BASIS.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the feasibility of requiring that regulations described in section 1871(d) of the Social Security Act be promulgated on a quarterly basis rather than on a monthly basis.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to regulations promulgated on or after the date that is 30 days after the date of the enactment of this Act.

(b) REGULAR TIMELINE FOR PUBLICATION OF FINAL RULES.—

(1) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary, in consultation with the Director of the Office of Management and Budget, shall establish and publish a regular timeline for the publication of final regulations based on the previous publication of a proposed regulation or an interim final regulation.

''(B) Such timeline may vary among different regulations based on differences in the complexity of the regulation, the number and scope of comments received, and other relevant factors, but shall not be longer than 3 years except under exceptional circumstances. If the Secretary intends to vary such timeline with respect to the publication of a final regulation, the Secretary shall cause to have published in the Federal Register notice of the different timeline by not later than the timeline previously established with respect to such regulation. Such notice shall include a brief explanation of the justification for such variation.

''(C) In the case of interim final regulations, upon the expiration of the regular timeline established under this paragraph for the publication of a final regulation after opportunity for public comment, the interim final regulation shall not continue in effect unless the Secretary publishes (at the end of the regular timeline and, if applicable, at the end of each succeeding 1-year period) a notice of continuation of the regulation that includes an explanation of why the regular timeline (and any subsequent 1-year extension) was not complied with. If such a notice is published, the regular timeline (or such timeline as previously extended under this paragraph) for publication of the final regulation shall be treated as having been extended for 1 additional year.

''(D) The Secretary shall annually submit to Congress a report that describes the instances in which the Secretary failed to publish a final regulation within the applicable regular timeline under this paragraph and that provides an explanation for such failures.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act. The Secretary shall provide for an appropriate transition to take into account the backlog of previously published interim final regulations.

(c) LIMITATIONS ON NEW MATTER IN FINAL REGULATIONS.—

(1) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(4) If the Secretary publishes notice of proposed rulemaking relating to a regulation (including an interim final regulation), insofar as such final regulation includes a provision that is not a logical outgrowth of such notice of proposed rulemaking, that provision shall be treated as a proposed regulation and shall not take effect until there is the further opportunity for public comment and a publication of the provision again as a final regulation.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to final regulations published on or after the date of the enactment of this Act.

SEC. 102. COMPLIANCE WITH CHANGES IN REGULATIONS AND POLICIES.

(a) NO RETROACTIVE APPLICATION OF SUBSTANTIVE CHANGES.—

(1) IN GENERAL.—Section 1871 (42 U.S.C. 1395hh), as amended by section 101(a), is amended by adding at the end the following new subsection:

''(e)(1)(A) A substantive change in regulations, manual instructions, interpretative rules, statements of policy, or guidelines of general applicability under this title shall not be applied (by extrapolation or otherwise) retroactively to items and services furnished before the effective date of the change, unless the Secretary determines that—

''(i) such retroactive application is necessary to comply with statutory requirements; or

''(ii) failure to apply the change retroactively would be contrary to the public interest.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to substantive changes issued on or after the date of the enactment of this Act.

(b) TIMELINE FOR COMPLIANCE WITH SUBSTANTIVE CHANGES AFTER NOTICE.—

(1) IN GENERAL.—Section 1871(e)(1), as added by subsection (a), is amended by adding at the end the following:

''(B)(i) Except as provided in clause (ii), a substantive change referred to in subparagraph (A) shall not become effective before the end of the 30-day period that begins on the date that the Secretary has issued or published, as the case may be, the substantive change.

''(ii) The Secretary may provide for such a substantive change to take effect on a date that precedes the end of the 30-day period under clause (i) if the Secretary finds that waiver of such 30-day period is necessary to comply with statutory requirements or that the application of such 30-day period is contrary to the public interest. If the Secretary provides for an earlier effective date pursuant to this clause, the Secretary shall include in the issuance or publication of the substantive change a finding described in the first sentence, and a brief statement of the reasons for such finding.

''(C) No action shall be taken against a provider of services or supplier with respect to noncompliance with such a substantive change for items and services furnished before the effective date of such a change.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compliance actions undertaken on or after the date of the enactment of this Act.

(c) RELIANCE ON GUIDANCE.—

(1) IN GENERAL.—Section 1871(e), as added by subsection (a), is further amended by adding at the end the following new paragraph:

''(2)(A) If—

''(i) a provider of services or supplier follows the written guidance (which may be transmitted electronically) provided by the Secretary or by a medicare contractor (as defined in section 1889(g)) acting within the scope of the contractor's contract authority, with respect to the furnishing of items or services and submission of a claim for benefits for such items or services with respect to such provider or supplier;

''(ii) the Secretary determines that the provider of services or supplier has accurately presented the circumstances relating to such items, services, and claim to the contractor in writing; and

''(iii) the guidance was in error;

the provider of services or supplier shall not be subject to any sanction (including any penalty or requirement for repayment of any amount) if the provider of services or supplier reasonably relied on such guidance.

''(B) Subparagraph (A) shall not be construed as preventing the recoupment or repayment (without any additional penalty) relating to an overpayment insofar as the overpayment was solely the result of a clerical or technical operational error.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act but shall not apply to any sanction for which notice was provided on or before the date of the enactment of this Act.

SEC. 103. REPORTS AND STUDIES RELATING TO REGULATORY REFORM.

(a) GAO STUDY ON ADVISORY OPINION AUTHORITY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the feasibility and appropriateness of establishing in the Secretary authority to provide legally binding advisory opinions on appropriate interpretation and application of regulations to carry out the medicare program under title XVIII of the Social Security Act. Such study shall examine the appropriate timeframe for issuing such advisory opinions, as well as the need for additional staff and funding to provide such opinions.

(2) REPORT.—The Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) by not later than January 1, 2003.

(b) REPORT ON LEGAL AND REGULATORY INCONSISTENCIES.—Section 1871 (42 U.S.C. 1395hh), as amended by section 2(a), is amended by adding at the end the following new subsection:

''(f)(1) Not later than 2 years after the date of the enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to Congress a report with respect to the administration of this title and areas of inconsistency or conflict among the various provisions under law and regulation.

''(2) In preparing a report under paragraph (1), the Secretary shall collect—

''(A) information from individuals entitled to benefits under part A or enrolled under part B, or both, providers of services, and suppliers and from the Medicare Beneficiary Ombudsman and the Medicare Provider Ombudsman with respect to such areas of inconsistency and conflict; and

''(B) information from medicare contractors that tracks the nature of written and telephone inquiries.

''(3) A report under paragraph (1) shall include a description of efforts by the Secretary to reduce such inconsistency or conflicts, and recommendations for legislation or administrative action that the Secretary determines appropriate to further reduce such inconsistency or conflicts.''.

TITLE II—CONTRACTING REFORM

SEC. 201. INCREASED FLEXIBILITY IN MEDICARE ADMINISTRATION.

(a) CONSOLIDATION AND FLEXIBILITY IN MEDICARE ADMINISTRATION.—

(1) IN GENERAL.—Title XVIII is amended by inserting after section 1874 the following new section:

''CONTRACTS WITH MEDICARE ADMINISTRATIVE CONTRACTORS

''SEC. 1874A. (a) AUTHORITY.—

''(1) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with any eligible entity to serve as a medicare administrative contractor with respect to the performance of any or all of the functions described in paragraph (4) or parts of those functions (or, to the extent provided in a contract, to secure performance thereof by other entities).

''(2) ELIGIBILITY OF ENTITIES.—An entity is eligible to enter into a contract with respect to the performance of a particular function described in paragraph (4) only if—

''(A) the entity has demonstrated capability to carry out such function;

''(B) the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement;

''(C) the entity has sufficient assets to financially support the performance of such function; and

''(D) the entity meets such other requirements as the Secretary may impose.

''(3) MEDICARE ADMINISTRATIVE CONTRACTOR DEFINED.—For purposes of this title and title XI—

''(A) IN GENERAL.—The term 'medicare administrative contractor' means an agency, organization, or other person with a contract under this section.

''(B) APPROPRIATE MEDICARE ADMINISTRATIVE CONTRACTOR.—With respect to the performance of a particular function in relation to an individual entitled to benefits under part A or enrolled under part B, or both, a specific provider of services or supplier (or class of such providers of services or suppliers), the 'appropriate' medicare administrative contractor is the medicare administrative contractor that has a contract under this section with respect to the performance of that function in relation to that individual, provider of services or supplier or class of provider of services or supplier.

''(4) FUNCTIONS DESCRIBED.—The functions referred to in paragraphs (1) and (2) are payment functions, provider services functions, and functions relating to services furnished to individuals entitled to benefits under part A or enrolled under part B, or both, as follows:

''(A) DETERMINATION OF PAYMENT AMOUNTS.—Determining (subject to the provisions of section 1878 and to such review by the Secretary as may be provided for by the contracts) the amount of the payments required pursuant to this title to be made to providers of services, suppliers and individuals.

''(B) MAKING PAYMENTS.—Making payments described in subparagraph (A) (including receipt, disbursement, and accounting for funds in making such payments).

''(C) BENEFICIARY EDUCATION AND ASSISTANCE.—Providing education and outreach to individuals entitled to benefits under part A or enrolled under part B, or both, and providing assistance to those individuals with specific issues, concerns or problems.

''(D) PROVIDER CONSULTATIVE SERVICES.—Providing consultative services to institutions, agencies, and other persons to enable them to establish and maintain fiscal records necessary for purposes of this title and otherwise to qualify as providers of services or suppliers.

''(E) COMMUNICATION WITH PROVIDERS.—Communicating to providers of services and suppliers any information or instructions furnished to the medicare administrative contractor by the Secretary, and facilitating communication between such providers and suppliers and the Secretary.

''(F) PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Performing the functions relating to provider education, training, and technical assistance.

''(G) ADDITIONAL FUNCTIONS.—Performing such other functions as are necessary to carry out the purposes of this title.

''(5) RELATIONSHIP TO MIP CONTRACTS.—

''(A) NONDUPLICATION OF DUTIES.—In entering into contracts under this section, the Secretary shall assure that functions of medicare administrative contractors in carrying out activities under parts A and B do not duplicate activities carried out under the Medicare Integrity Program under section 1893. The previous sentence shall not apply with respect to the activity described in section 1893(b)(5) (relating to prior authorization of certain items of durable medical equipment under section 1834(a)(15)).

''(B) CONSTRUCTION.—An entity shall not be treated as a medicare administrative contractor merely by reason of having entered into a contract with the Secretary under section 1893.

''(6) APPLICATION OF FEDERAL ACQUISITION REGULATION.—Except to the extent inconsistent with a specific requirement of this title, the Federal Acquisition Regulation applies to contracts under this title.

''(b) CONTRACTING REQUIREMENTS.—

''(1) USE OF COMPETITIVE PROCEDURES.—

''(A) IN GENERAL.—Except as provided in laws with general applicability to Federal acquisition and procurement or in subparagraph (B), the Secretary shall use competitive procedures when entering into contracts with medicare administrative contractors under this section, taking into account performance quality as well as price and other factors.

''(B) RENEWAL OF CONTRACTS.—The Secretary may renew a contract with a medicare administrative contractor under this section from term to term without regard to section 5 of title 41, United States Code, or any other provision of law requiring competition, if the medicare administrative contractor has met or exceeded the performance requirements applicable with respect to the contract and contractor, except that the Secretary shall provide for the application of competitive procedures under such a contract not less frequently than once every five years.

''(C) TRANSFER OF FUNCTIONS.—The Secretary may transfer functions among medicare administrative contractors consistent with the provisions of this paragraph. The Secretary shall ensure that performance quality is considered in such transfers. The Secretary shall provide public notice (whether in the Federal Register or otherwise) of any such transfer (including a description of the functions so transferred, a description of the providers of services and suppliers affected by such transfer, and contact information for the contractors involved).

''(D) INCENTIVES FOR QUALITY.—The Secretary shall provide incentives for medicare administrative contractors to provide quality service and to promote efficiency.

''(2) COMPLIANCE WITH REQUIREMENTS.—No contract under this section shall be entered into with any medicare administrative contractor unless the Secretary finds that such medicare administrative contractor will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, quality of services provided, and other matters as the Secretary finds pertinent.

''(3) PERFORMANCE REQUIREMENTS.—

''(A) DEVELOPMENT OF SPECIFIC PERFORMANCE REQUIREMENTS.—In developing contract performance requirements, the Secretary shall develop performance requirements applicable to functions described in subsection (a)(4).

''(B) CONSULTATION.— In developing such requirements, the Secretary may consult with providers of services and suppliers, organizations representing individuals entitled to benefits under part A or enrolled under part B, or both, and organizations and agencies performing functions necessary to carry out the purposes of this section with respect to such performance requirements.

''(C) INCLUSION IN CONTRACTS.—All contractor performance requirements shall be set forth in the contract between the Secretary and the appropriate medicare administrative contractor. Such performance requirements—

''(i) shall reflect the performance requirements developed under subparagraph (A), but may include additional performance requirements;

''(ii) shall be used for evaluating contractor performance under the contract; and

''(iii) shall be consistent with the written statement of work provided under the contract.

''(4) INFORMATION REQUIREMENTS.—The Secretary shall not enter into a contract with a medicare administrative contractor under this section unless the contractor agrees—

''(A) to furnish to the Secretary such timely information and reports as the Secretary

may find necessary in performing his functions under this title; and

''(B) to maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of the information and reports under subparagraph (A) and otherwise to carry out the purposes of this title.

''(5) SURETY BOND.—A contract with a medicare administrative contractor under this section may require the medicare administrative contractor, and any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

''(c) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—A contract with any medicare administrative contractor under this section may contain such terms and conditions as the Secretary finds necessary or appropriate and may provide for advances of funds to the medicare administrative contractor for the making of payments by it under subsection (a)(4)(B).

''(2) PROHIBITION ON MANDATES FOR CERTAIN DATA COLLECTION.—The Secretary may not require, as a condition of entering into, or renewing, a contract under this section, that the medicare administrative contractor match data obtained other than in its activities under this title with data used in the administration of this title for purposes of identifying situations in which the provisions of section 1862(b) may apply.

''(d) LIMITATION ON LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTORS AND CERTAIN OFFICERS.—

''(1) CERTIFYING OFFICER.—No individual designated pursuant to a contract under this section as a certifying officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payments certified by the individual under this section.

''(2) DISBURSING OFFICER.—No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by such officer under this section if it was based upon an authorization (which meets the applicable requirements for such internal controls established by the Comptroller General) of a certifying officer designated as provided in paragraph (1) of this subsection.

''(3) LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTOR.—No medicare administrative contractor shall be liable to the United States for a payment by a certifying or disbursing officer unless in connection with such payment or in the supervision of or selection of such officer the medicare administrative contractor acted with gross negligence.

''(4) INDEMNIFICATION BY SECRETARY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (D), in the case of a medicare administrative contractor (or a person who is a director, officer, or employee of such a contractor or who is engaged by the contractor to participate directly in the claims administration process) who is made a party to any judicial or administrative proceeding arising from or relating directly to the claims administration process under this title, the Secretary may, to the extent the Secretary determines to be appropriate and as specified in the contract with the contractor, indemnify the contractor and such persons.

''(B) CONDITIONS.—The Secretary may not provide indemnification under subparagraph (A) insofar as the liability for such costs arises directly from conduct that is determined by the judicial proceeding or by the Secretary to be criminal in nature, fraudulent, or grossly negligent. If indemnification is provided by the Secretary with respect to a contractor before a determination that such costs arose directly from such conduct, the contractor shall reimburse the Secretary for costs of indemnification.

''(C) SCOPE OF INDEMNIFICATION.—Indemnification by the Secretary under subparagraph (A) may include payment of judgments, settlements (subject to subparagraph (D)), awards, and costs (including reasonable legal expenses).

''(D) WRITTEN APPROVAL FOR SETTLEMENTS.—A contractor or other person described in subparagraph (A) may not propose to negotiate a settlement or compromise of a proceeding described in such subparagraph without the prior written approval of the Secretary to negotiate such settlement or compromise. Any indemnification under subparagraph (A) with respect to amounts paid under a settlement or compromise of a proceeding described in such subparagraph are conditioned upon prior written approval by the Secretary of the final settlement or compromise.

''(E) CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to change any common law immunity that may be available to a medicare administrative contractor or person described in subparagraph (A); or

''(ii) to permit the payment of costs not otherwise allowable, reasonable, or allocable under the Federal Acquisition Regulations.''.

(2) CONSIDERATION OF INCORPORATION OF CURRENT LAW STANDARDS.—In developing contract performance requirements under section 1874A(b) of the Social Security Act, as inserted by paragraph (1), the Secretary shall consider inclusion of the performance standards described in sections 1816(f)(2) of such Act (relating to timely processing of reconsiderations and applications for exemptions) and section 1842(b)(2)(B) of such Act (relating to timely review of determinations and fair hearing requests), as such sections were in effect before the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS TO SECTION 1816 (RELATING TO FISCAL INTERMEDIARIES).—Section 1816 (42 U.S.C. 1395h) is amended as follows:

(1) The heading is amended to read as follows:

''PROVISIONS RELATING TO THE ADMINISTRATION OF PART A''.

(2) Subsection (a) is amended to read as follows:

''(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.''.

(3) Subsection (b) is repealed.

(4) Subsection (c) is amended—

(A) by striking paragraph (1); and

(B) in each of paragraphs (2)(A) and (3)(A), by striking ''agreement under this section'' and inserting ''contract under section 1874A that provides for making payments under this part''.

(5) Subsections (d) through (i) are repealed.

(6) Subsections (j) and (k) are each amended—

(A) by striking ''An agreement with an agency or organization under this section'' and inserting ''A contract with a medicare administrative contractor under section 1874A with respect to the administration of this part''; and

(B) by striking ''such agency or organization'' and inserting ''such medicare administrative contractor'' each place it appears.

(7) Subsection (l) is repealed.

(c) CONFORMING AMENDMENTS TO SECTION 1842 (RELATING TO CARRIERS).—Section 1842 (42 U.S.C. 1395u) is amended as follows:

(1) The heading is amended to read as follows:

''PROVISIONS RELATING TO THE ADMINISTRATION OF PART B''.

(2) Subsection (a) is amended to read as follows:

''(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.''.

(3) Subsection (b) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B);

(ii) in subparagraph (C), by striking ''carriers'' and inserting ''medicare administrative contractors''; and

(iii) by striking subparagraphs (D) and (E);

(C) in paragraph (3)—

(i) in the matter before subparagraph (A), by striking ''Each such contract shall provide that the carrier'' and inserting ''The Secretary'';

(ii) by striking ''will'' the first place it appears in each of subparagraphs (A), (B), (F), (G), (H), and (L) and inserting ''shall'';

(iii) in subparagraph (B), in the matter before clause (i), by striking ''to the policyholders and subscribers of the carrier'' and inserting ''to the policyholders and subscribers of the medicare administrative contractor'';

(iv) by striking subparagraphs (C), (D), and (E);

(v) in subparagraph (H)—

(I) by striking ''if it makes determinations or payments with respect to physicians' services,''; and

(II) by striking ''carrier'' and inserting ''medicare administrative contractor'';

(vi) by striking subparagraph (I);

(vii) in subparagraph (L), by striking the semicolon and inserting a period;

(viii) in the first sentence, after subparagraph (L), by striking ''and shall contain'' and all that follows through the period; and

(ix) in the seventh sentence, by inserting ''medicare administrative contractor,'' after ''carrier,''; and

(D) by striking paragraph (5);

(E) in paragraph (6)(D)(iv), by striking ''carrier'' and inserting ''medicare administrative contractor''; and

(F) in paragraph (7), by striking ''the carrier'' and inserting ''the Secretary'' each place it appears.

(4) Subsection (c) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2), by striking ''contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B),'' and inserting ''contract under section 1874A that provides for making payments under this part'';

(C) in paragraph (3)(A), by striking ''subsection (a)(1)(B)'' and inserting ''section 1874A(a)(3)(B)'';

(D) in paragraph (4), by striking ''carrier'' and inserting ''medicare administrative contractor''; and

(E) by striking paragraphs (5) and (6).

(5) Subsections (d), (e), and (f) are repealed.

(6) Subsection (g) is amended by striking ''carrier or carriers'' and inserting ''medicare administrative contractor or contractors''.

(7) Subsection (h) is amended—

(A) in paragraph (2)—

(i) by striking ''Each carrier having an agreement with the Secretary under subsection (a)'' and inserting ''The Secretary''; and

(ii) by striking ''Each such carrier'' and inserting ''The Secretary'';

(B) in paragraph (3)(A)—

(i) by striking ''a carrier having an agreement with the Secretary under subsection

(a)'' and inserting ''medicare administrative contractor having a contract under section 1874A that provides for making payments under this part''; and

(ii) by striking ''such carrier'' and inserting ''such contractor'';

(C) in paragraph (3)(B)—

(i) by striking ''a carrier'' and inserting ''a medicare administrative contractor'' each place it appears; and

(ii) by striking ''the carrier'' and inserting ''the contractor'' each place it appears; and

(D) in paragraphs (5)(A) and (5)(B)(iii), by striking ''carriers'' and inserting ''medicare administrative contractors'' each place it appears.

(8) Subsection (l) is amended—

(A) in paragraph (1)(A)(iii), by striking ''carrier'' and inserting ''medicare administrative contractor''; and

(B) in paragraph (2), by striking ''carrier'' and inserting ''medicare administrative contractor''.

(9) Subsection (p)(3)(A) is amended by striking ''carrier'' and inserting ''medicare administrative contractor''.

(10) Subsection (q)(1)(A) is amended by striking ''carrier''.

(d) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on October 1, 2003, and the Secretary is authorized to take such steps before such date as may be necessary to implement such amendments on a timely basis.

(B) CONSTRUCTION FOR CURRENT CONTRACTS.—Such amendments shall not apply to contracts in effect before the date specified under subparagraph (A) that continue to retain the terms and conditions in effect on such date (except as otherwise provided under this Act, other than under this section) until such date as the contract is let out for competitive bidding under such amendments.

(C) DEADLINE FOR COMPETITIVE BIDDING.—The Secretary shall provide for the letting by competitive bidding of all contracts for functions of medicare administrative contractors for annual contract periods that begin on or after October 1, 2008.

(D) WAIVER OF PROVIDER NOMINATION PROVISIONS DURING TRANSITION.—During the period beginning on the date of the enactment of this Act and before the date specified under subparagraph (A), the Secretary may enter into new agreements under section 1816 of the Social Security Act (42 U.S.C. 1395h) without regard to any of the provider nomination provisions of such section.

(2) GENERAL TRANSITION RULES.—The Secretary shall take such steps, consistent with paragraph (1)(B) and (1)(C), as are necessary to provide for an appropriate transition from contracts under section 1816 and section 1842 of the Social Security Act (42 U.S.C. 1395h, 1395u) to contracts under section 1874A, as added by subsection (a)(1).

(3) AUTHORIZING CONTINUATION OF MIP FUNCTIONS UNDER CURRENT CONTRACTS AND AGREEMENTS AND UNDER ROLLOVER CONTRACTS.—The provisions contained in the exception in section 1893(d)(2) of the Social Security Act (42 U.S.C. 1395ddd(d)(2)) shall continue to apply notwithstanding the amendments made by this section, and any reference in such provisions to an agreement or contract shall be deemed to include a contract under section 1874A of such Act, as inserted by subsection (a)(1), that continues the activities referred to in such provisions.

(e) REFERENCES.—On and after the effective date provided under subsection (d)(1), any reference to a fiscal intermediary or carrier under title XI or XVIII of the Social Security Act (or any regulation, manual instruction, interpretative rule, statement of policy, or guideline issued to carry out such titles) shall be deemed a reference to an appropriate medicare administrative contractor (as provided under section 1874A of the Social Security Act).

(f) REPORTS ON IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—By not later than October 1, 2002, the Secretary shall submit a report to Congress and the Comptroller General of the United States that describes the plan for implementation of the amendments made by this section. The Comptroller General shall conduct an evaluation of such plan and shall submit to Congress, not later than 6 months after the date the report is received, a report on such evaluation and shall include in such report such recommendations as the Comptroller General deems appropriate.

(2) STATUS OF IMPLEMENTATION.—The Secretary shall submit a report to Congress not later than October 1, 2006, that describes the status of implementation of such amendments and that includes a description of the following:

(A) The number of contracts that have been competitively bid as of such date.

(B) The distribution of functions among contracts and contractors.

(C) A timeline for complete transition to full competition.

(D) A detailed description of how the Secretary has modified oversight and management of medicare contractors to adapt to full competition.

SEC. 202. REQUIREMENTS FOR INFORMATION SECURITY FOR MEDICARE ADMINISTRATIVE CONTRACTORS.

(a) IN GENERAL.—Section 1874A, as added by section 201(a)(1), is amended by adding at the end the following new subsection:

''(e) REQUIREMENTS FOR INFORMATION SECURITY.—

''(1) DEVELOPMENT OF INFORMATION SECURITY PROGRAM.—A medicare administrative contractor that performs the functions referred to in subparagraphs (A) and (B) of subsection (a)(4) (relating to determining and making payments) shall implement a contractor-wide information security program to provide information security for the operation and assets of the contractor with respect to such functions under this title. An information security program under this paragraph shall meet the requirements for information security programs imposed on Federal agencies under section 3534(b)(2) of title 44, United States Code (other than requirements under subparagraphs (B)(ii), (F)(iii), and (F)(iv) of such section).

''(2) INDEPENDENT AUDITS.—

''(A) PERFORMANCE OF ANNUAL EVALUATIONS.—Each year a medicare administrative contractor that performs the functions referred to in subparagraphs (A) and (B) of subsection (a)(4) (relating to determining and making payments) shall undergo an evaluation of the information security of the contractor with respect to such functions under this title. The evaluation shall—

''(i) be performed by an entity that meets such requirements for independence as the Inspector General of the Department of Health and Human Services may establish; and

''(ii) test the effectiveness of information security control techniques for an appropriate subset of the contractor's information systems (as defined in section 3502(8) of title 44, United States Code) relating to such functions under this title and an assessment of compliance with the requirements of this subsection and related information security policies, procedures, standards and guidelines.

''(B) DEADLINE FOR INITIAL EVALUATION.—

''(i) NEW CONTRACTORS.—In the case of a medicare administrative contractor covered by this subsection that has not previously performed the functions referred to in subparagraphs (A) and (B) of subsection (a)(4) (relating to determining and making payments) as a fiscal intermediary or carrier under section 1816 or 1842, the first independent evaluation conducted pursuant subparagraph (A) shall be completed prior to commencing such functions.

''(ii) OTHER CONTRACTORS.—In the case of a medicare administrative contractor covered by this subsection that is not described in clause (i), the first independent evaluation conducted pursuant subparagraph (A) shall be completed within 1 year after the date the contractor commences functions referred to in clause (i) under this section.

''(C) REPORTS ON EVALUATIONS.—

''(i) TO THE INSPECTOR GENERAL.—The results of independent evaluations under subparagraph (A) shall be submitted promptly to the Inspector General of the Department of Health and Human Services.

''(ii) TO CONGRESS.—The Inspector General of Department of Health and Human Servvices shall submit to Congress annual reports on the results of such evaluations.''.

(b) APPLICATION OF REQUIREMENTS TO FISCAL INTERMEDIARIES AND CARRIERS.—

(1) IN GENERAL.—The provisions of section 1874A(e)(2) of the Social Security Act (other than subparagraph (B)), as added by subsection (a), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

(2) DEADLINE FOR INITIAL EVALUATION.—In the case of such a fiscal intermediary or carrier with an agreement or contract under such respective section in effect as of the date of the enactment of this Act, the first evaluation under section 1874A(e)(2)(A) of the Social Security Act (as added by subsection (a)), pursuant to paragraph (1), shall be completed (and a report on the evaluation submitted to the Secretary) by not later than 1 year after such date.

TITLE III—EDUCATION AND OUTREACH

SEC. 301. PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.

(a) COORDINATION OF EDUCATION FUNDING.—

(1) IN GENERAL.—The Social Security Act is amended by inserting after section 1888 the following new section:

''PROVIDER EDUCATION AND TECHNICAL ASSISTANCE

''SEC. 1889. (a) COORDINATION OF EDUCATION FUNDING.—The Secretary shall coordinate the educational activities provided through medicare contractors (as defined in subsection (g), including under section 1893) in order to maximize the effectiveness of Federal education efforts for providers of services and suppliers.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report that includes a description and evaluation of the steps taken to coordinate the funding of provider education under section 1889(a) of the Social Security Act, as added by paragraph (1).

(b) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—Section 1874A, as added by section 201(a)(1) and as amended by section 202(a), is amended by adding at the end the following new subsection:

''(f) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE IN PROVIDER EDUCATION AND

OUTREACH.—In order to give medicare administrative contractors an incentive to implement effective education and outreach programs for providers of services and suppliers, the Secretary shall develop and implement a methodology to measure the specific claims payment error rates of such contractors in the processing or reviewing of medicare claims.''.

(2) APPLICATION TO FISCAL INTERMEDIARIES AND CARRIERS.—The provisions of section 1874A(f) of the Social Security Act, as added by paragraph (1), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

(3) GAO REPORT ON ADEQUACY OF METHODOLOGY.—Not later than October 1, 2002, the Comptroller General of the United States shall submit to Congress and to the Secretary a report on the adequacy of the methodology under section 1874A(f)(1) of the Social Security Act, as added by paragraph (1), and shall include in the report such recommendations as the Comptroller General determines appropriate with respect to the methodology.

(4) REPORT ON USE OF METHODOLOGY IN ASSESSING CONTRACTOR PERFORMANCE.—Not later than October 1, 2002, the Secretary shall submit to Congress a report that describes how the Secretary intends to use such methodology in assessing medicare contractor performance in implementing effective education and outreach programs, including whether to use such methodology as a basis for performance bonuses. The report shall include an analysis of the sources of identified errors and potential changes in systems of contractors and rules of the Secretary that could reduce claims error rates.

(c) PROVISION OF ACCESS TO AND PROMPT RESPONSES FROM MEDICARE ADMINISTRATIVE CONTRACTORS.—

(1) IN GENERAL.—Section 1874A, as added by section 201(a)(1) and as amended by section 202(a) and subsection (b), is further amended by adding at the end the following new subsection:

''(g) COMMUNICATIONS WITH BENEFICIARIES, PROVIDERS OF SERVICES AND SUPPLIERS.—

''(1) COMMUNICATION STRATEGY.—The Secretary shall develop a strategy for communications with individuals entitled to benefits under part A or enrolled under part B, or both, and with providers of services and suppliers under this title.

''(2) RESPONSE TO WRITTEN INQUIRIES.—Each medicare administrative contractor shall, for those providers of services and suppliers which submit claims to the contractor for claims processing and for those individuals entitled to benefits under part A or enrolled under part B, or both, with respect to whom claims are submitted for claims processing, provide general written responses (which may be through electronic transmission) in a clear, concise, and accurate manner to inquiries of providers of services, suppliers and individuals entitled to benefits under part A or enrolled under part B, or both, concerning the programs under this title within 45 business days of the date of receipt of such inquiries.

''(3) RESPONSE TO TOLL-FREE LINES.—The Secretary shall ensure that each medicare administrative contractor shall provide, for those providers of services and suppliers which submit claims to the contractor for claims processing and for those individuals entitled to benefits under part A or enrolled under part B, or both, with respect to whom claims are submitted for claims processing, a toll-free telephone number at which such individuals, providers of services and suppliers may obtain information regarding billing, coding, claims, coverage, and other appropriate information under this title.

''(4) MONITORING OF CONTRACTOR RESPONSES.—

''(A) IN GENERAL.—Each medicare administrative contractor shall, consistent with standards developed by the Secretary under subparagraph (B)—

''(i) maintain a system for identifying who provides the information referred to in paragraphs (2) and (3); and

''(ii) monitor the accuracy, consistency, and timeliness of the information so provided.

''(B) DEVELOPMENT OF STANDARDS.—

''(i) IN GENERAL.—The Secretary shall establish and make public standards to monitor the accuracy, consistency, and timeliness of the information provided in response to written and telephone inquiries under this subsection. Such standards shall be consistent with the performance requirements established under subsection (b)(3).

''(ii) EVALUATION.—In conducting evaluations of individual medicare administrative contractors, the Secretary shall take into account the results of the monitoring conducted under subparagraph (A) taking into account as performance requirements the standards established under clause (i). The Secretary shall, in consultation with organizations representing providers of services, suppliers, and individuals entitled to benefits under part A or enrolled under part B, or both, establish standards relating to the accuracy, consistency, and timeliness of the information so provided.''.

''(C) DIRECT MONITORING.—Nothing in this paragraph shall be construed as preventing the Secretary from directly monitoring the accuracy, consistency, and timeliness of the information so provided.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2002.

(3) APPLICATION TO FISCAL INTERMEDIARIES AND CARRIERS.—The provisions of section 1874A(g) of the Social Security Act, as added by paragraph (1), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

(d) IMPROVED PROVIDER EDUCATION AND TRAINING.—

(1) IN GENERAL.—Section 1889, as added by subsection (a), is amended by adding at the end the following new subsections:

''(b) ENHANCED EDUCATION AND TRAINING.—

''(1) ADDITIONAL RESOURCES.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) $25,000,000 for each of fiscal years 2003 and 2004 and such sums as may be necessary for succeeding fiscal years.

''(2) USE.—The funds made available under paragraph (1) shall be used to increase the conduct by medicare contractors of education and training of providers of services and suppliers regarding billing, coding, and other appropriate items and may also be used to improve the accuracy, consistency, and timeliness of contractor responses.

''(c) TAILORING EDUCATION AND TRAINING ACTIVITIES FOR SMALL PROVIDERS OR SUPPLIERS.—

''(1) IN GENERAL.—Insofar as a medicare contractor conducts education and training activities, it shall tailor such activities to meet the special needs of small providers of services or suppliers (as defined in paragraph (2)).

''(2) SMALL PROVIDER OF SERVICES OR SUPPLIER.—In this subsection, the term 'small provider of services or supplier' means—

''(A) a provider of services with fewer than 25 full-time-equivalent employees; or

''(B) a supplier with fewer than 10 full-time-equivalent employees.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2002.

(e) REQUIREMENT TO MAINTAIN INTERNET SITES.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsection (d), is further amended by adding at the end the following new subsection:

''(d) INTERNET SITES; FAQS.—The Secretary, and each medicare contractor insofar as it provides services (including claims processing) for providers of services or suppliers, shall maintain an Internet site which—

''(1) provides answers in an easily accessible format to frequently asked questions, and

''(2) includes other published materials of the contractor,

that relate to providers of services and suppliers under the programs under this title (and title XI insofar as it relates to such programs).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2002.

(f) ADDITIONAL PROVIDER EDUCATION PROVISIONS.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsections (d) and (e), is further amended by adding at the end the following new subsections:

''(e) ENCOURAGEMENT OF PARTICIPATION IN EDUCATION PROGRAM ACTIVITIES.—A medicare contractor may not use a record of attendance at (or failure to attend) educational activities or other information gathered during an educational program conducted under this section or otherwise by the Secretary to select or track providers of services or suppliers for the purpose of conducting any type of audit or prepayment review.

''(f) CONSTRUCTION.—Nothing in this section or section 1893(g) shall be construed as providing for disclosure by a medicare contractor of information that would compromise pending law enforcement activities or reveal findings of law enforcement-related audits.

''(g) DEFINITIONS.—For purposes of this section, the term 'medicare contractor' includes the following:

''(1) A medicare administrative contractor with a contract under section 1874A, including a fiscal intermediary with a contract under section 1816 and a carrier with a contract under section 1842.

''(2) An eligible entity with a contract under section 1893.

Such term does not include, with respect to activities of a specific provider of services or supplier an entity that has no authority under this title or title IX with respect to such activities and such provider of services or supplier.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 302. SMALL PROVIDER TECHNICAL ASSISTANCE DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program (in this section referred to as the ''demonstration program'') under which technical assistance described in paragraph (2) is made available, upon request and on a voluntary basis, to small providers of services or suppliers in order to improve compliance with the applicable requirements of the programs under

medicare program under title XVIII of the Social Security Act (including provisions of title XI of such Act insofar as they relate to such title and are not administered by the Office of the Inspector General of the Department of Health and Human Services).

(2) FORMS OF TECHNICAL ASSISTANCE.—The technical assistance described in this paragraph is—

(A) evaluation and recommendations regarding billing and related systems; and

(B) information and assistance regarding policies and procedures under the medicare program, including coding and reimbursement.

(3) SMALL PROVIDERS OF SERVICES OR SUPPLIERS.—In this section, the term ''small providers of services or suppliers'' means—

(A) a provider of services with fewer than 25 full-time-equivalent employees; or

(B) a supplier with fewer than 10 full-time-equivalent employees.

(b) QUALIFICATION OF CONTRACTORS.—In conducting the demonstration program, the Secretary shall enter into contracts with qualified organizations (such as peer review organizations or entities described in section 1889(g)(2) of the Social Security Act, as inserted by section 5(f)(1)) with appropriate expertise with billing systems of the full range of providers of services and suppliers to provide the technical assistance. In awarding such contracts, the Secretary shall consider any prior investigations of the entity's work by the Inspector General of Department of Health and Human Services or the Comptroller General of the United States.

(c) DESCRIPTION OF TECHNICAL ASSISTANCE.—The technical assistance provided under the demonstration program shall include a direct and in-person examination of billing systems and internal controls of small providers of services or suppliers to determine program compliance and to suggest more efficient or effective means of achieving such compliance.

(d) AVOIDANCE OF RECOVERY ACTIONS FOR PROBLEMS IDENTIFIED AS CORRECTED.—The Secretary shall provide that, absent evidence of fraud and notwithstanding any other provision of law, any errors found in a compliance review for a small provider of services or supplier that participates in the demonstration program shall not be subject to recovery action if the technical assistance personnel under the program determine that—

(1) the problem that is the subject of the compliance review has been corrected to their satisfaction within 30 days of the date of the visit by such personnel to the small provider of services or supplier; and

(2) such problem remains corrected for such period as is appropriate.

The previous sentence applies only to claims filed as part of the demonstration program and lasts only for the duration of such program and only as long as the small provider of services or supplier is a participant in such program.

(e) GAO EVALUATION.—Not later than 2 years after the date of the date the demonstration program is first implemented, the Comptroller General, in consultation with the Inspector General of the Department of Health and Human Services, shall conduct an evaluation of the demonstration program. The evaluation shall include a determination of whether claims error rates are reduced for small providers of services or suppliers who participated in the program and the extent of improper payments made as a result of the demonstration program. The Comptroller General shall submit a report to the Secretary and the Congress on such evaluation and shall include in such report recommendations regarding the continuation or extension of the demonstration program.

(f) FINANCIAL PARTICIPATION BY PROVIDERS.—The provision of technical assistance to a small provider of services or supplier under the demonstration program is conditioned upon the small provider of services or supplier paying an amount estimated (and disclosed in advance of a provider's or supplier's participation in the program) to be equal to 25 percent of the cost of the technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to carry out the demonstration program—

(1) for fiscal year 2003, $1,000,000, and

(2) for fiscal year 2004, $6,000,000.

SEC. 303. MEDICARE PROVIDER OMBUDSMAN; MEDICARE BENEFICIARY OMBUDSMAN.

(a) MEDICARE PROVIDER OMBUDSMAN.—Section 1868 (42 U.S.C. 1395ee) is amended—

(1) by adding at the end of the heading the following: ''; MEDICARE PROVIDER OMBUDSMAN'';

(2) by inserting ''PRACTICING PHYSICIANS ADVISORY COUNCIL.—(1)'' after ''(a)'';

(3) in paragraph (1), as so redesignated under paragraph (2), by striking ''in this section'' and inserting ''in this subsection'';

(4) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively; and

(5) by adding at the end the following new subsection:

''(b) MEDICARE PROVIDER OMBUDSMAN.—The Secretary shall appoint within the Department of Health and Human Services a Medicare Provider Ombudsman. The Ombudsman shall—

''(1) provide assistance, on a confidential basis, to providers of services and suppliers with respect to complaints, grievances, and requests for information concerning the programs under this title (including provisions of title XI insofar as they relate to this title and are not administered by the Office of the Inspector General of the Department of Health and Human Services) and in the resolution of unclear or conflicting guidance given by the Secretary and medicare contractors to such providers of services and suppliers regarding such programs and provisions and requirements under this title and such provisions; and

''(2) submit recommendations to the Secretary for improvement in the administration of this title and such provisions, including—

''(A) recommendations to respond to recurring patterns of confusion in this title and such provisions (including recommendations regarding suspending imposition of sanctions where there is widespread confusion in program administration), and

''(B) recommendations to provide for an appropriate and consistent response (including not providing for audits) in cases of self-identified overpayments by providers of services and suppliers.

The Ombudsman shall not serve as an advocate for any increases in payments or new coverage of services, but may identify issues and problems in payment or coverage policies.''.

(b) MEDICARE BENEFICIARY OMBUDSMAN.—Title XVIII is amended by inserting after section 1806 the following new section:

''MEDICARE BENEFICIARY OMBUDSMAN

''SEC. 1807. (a) IN GENERAL.—The Secretary shall appoint within the Department of Health and Human Services a Medicare Beneficiary Ombudsman who shall have expertise and experience in the fields of health care and education of (and assistance to) individuals entitled to benefits under this title.

''(b) DUTIES.—The Medicare Beneficiary Ombudsman shall—

''(1) receive complaints, grievances, and requests for information submitted by individuals entitled to benefits under part A or enrolled under part B, or both, with respect to any aspect of the medicare program;

''(2) provide assistance with respect to complaints, grievances, and requests referred to in paragraph (1), including—

''(A) assistance in collecting relevant information for such individuals, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, Medicare+Choice organization, or the Secretary; and

''(B) assistance to such individuals with any problems arising from disenrollment from a Medicare+Choice plan under part C; and

''(3) submit annual reports to Congress and the Secretary that describe the activities of the Office and that include such recommendations for improvement in the administration of this title as the Ombudsman determines appropriate.

The Ombudsman shall not serve as an advocate for any increases in payments or new coverage of services, but may identify issues and problems in payment or coverage policies.

''(c) WORKING WITH HEALTH INSURANCE COUNSELING PROGRAMS.—To the extent possible, the Ombudsman shall work with health insurance counseling programs (receiving funding under section 4360 of Omnibus Budget Reconciliation Act of 1990) to facilitate the provision of information to individuals entitled to benefits under part A or enrolled under part B, or both regarding Medicare+Choice plans and changes to those plans. Nothing in this subsection shall preclude further collaboration between the Ombudsman and such programs.''.

(c) DEADLINE FOR APPOINTMENT.—The Secretary shall appoint the Medicare Provider Ombudsman and the Medicare Beneficiary Ombudsman, under the amendments made by subsections (a) and (b), respectively, by not later than 1 year after the date of the enactment of this Act.

(d) FUNDING.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to carry out the provisions of subsection (b) of section 1868 of the Social Security Act (relating to the Medicare Provider Ombudsman), as added by subsection (a)(5) and section 1807 of such Act (relating to the Medicare Beneficiary Ombudsman), as added by subsection (b), such sums as are necessary for fiscal year 2002 and each succeeding fiscal year.

(e) USE OF CENTRAL, TOLL-FREE NUMBER (1-800-MEDICARE).—

(1) PHONE TRIAGE SYSTEM; LISTING IN MEDICARE HANDBOOK INSTEAD OF OTHER TOLL-FREE NUMBERS.—Section 1804(b) (42 U.S.C. 1395b–2(b)) is amended by adding at the end the following: ''The Secretary shall provide, through the toll-free number 1-800-MEDICARE, for a means by which individuals seeking information about, or assistance with, such programs who phone such toll-free number are transferred (without charge) to appropriate entities for the provision of such information or assistance. Such toll-free number shall be the toll-free number listed for general information and assistance in the annual notice under subsection (a) instead of the listing of numbers of individual contractors.''.

(2) MONITORING ACCURACY.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study to monitor the accuracy and consistency of information provided to individuals entitled to

benefits under part A or enrolled under part B, or both, through the toll-free number 1-800-MEDICARE, including an assessment of whether the information provided is sufficient to answer questions of such individuals. In conducting the study, the Comptroller General shall examine the education and training of the individuals providing information through such number.

(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subparagraph (A).

SEC. 304. BENEFICIARY OUTREACH DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a demonstration program (in this section referred to as the ''demonstration program'') under which medicare specialists employed by the Department of Health and Human Services provide advice and assistance to individuals entitled to benefits under part A of title XVIII of the Social Security Act, or enrolled under part B of such title, or both, regarding the medicare program at the location of existing local offices of the Social Security Administration.

(b) LOCATIONS.—

(1) IN GENERAL.—The demonstration program shall be conducted in at least 6 offices or areas. Subject to paragraph (2), in selecting such offices and areas, the Secretary shall provide preference for offices with a high volume of visits by individuals referred to in subsection (a).

(2) ASSISTANCE FOR RURAL BENEFICIARIES.—The Secretary shall provide for the selection of at least 2 rural areas to participate in the demonstration program. In conducting the demonstration program in such rural areas, the Secretary shall provide for medicare specialists to travel among local offices in a rural area on a scheduled basis.

(c) DURATION.—The demonstration program shall be conducted over a 3-year period.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall provide for an evaluation of the demonstration program. Such evaluation shall include an analysis of—

(A) utilization of, and satisfaction of those individuals referred to in subsection (a) with, the assistance provided under the program; and

(B) the cost-effectiveness of providing beneficiary assistance through out-stationing medicare specialists at local offices of the Social Security Administration.

(2) REPORT.—The Secretary shall submit to Congress a report on such evaluation and shall include in such report recommendations regarding the feasibility of permanently out-stationing medicare specialists at local offices of the Social Security Administration.

TITLE IV—APPEALS AND RECOVERY

SEC. 401. TRANSFER OF RESPONSIBILITY FOR MEDICARE APPEALS.

(a) TRANSITION PLAN.—

(1) IN GENERAL.—Not later than October 1, 2002, the Commissioner of Social Security and the Secretary shall develop and transmit to Congress and the Comptroller General of the United States a plan under which the functions of administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions in title XI of such Act) are transferred from the responsibility of the Commissioner and the Social Security Administration to the Secretary and the Department of Health and Human Services.

(2) GAO EVALUATION.—The Comptroller General of the United States shall evaluate the plan and, not later than April 1, 2003, shall submit to Congress a report on such evaluation.

(b) TRANSFER OF ADJUDICATION AUTHORITY.—

(1) IN GENERAL.—Not earlier than July 1, 2003, and not later than October 1, 2003, the Commissioner of Social Security and the Secretary shall implement the transition plan under subsection (a) and transfer the administrative law judge functions described in such subsection from the Social Security Administration to the Secretary.

(2) ASSURING INDEPENDENCE OF JUDGES.—The Secretary shall assure the independence of administrative law judges performing the administrative law judge functions transferred under paragraph (1) from the Centers for Medicare & Medicaid Services and its contractors.

(3) GEOGRAPHIC DISTRIBUTION.—The Secretary shall provide for an appropriate geographic distribution of administrative law judges performing the administrative law judge functions transferred under paragraph (1) throughout the United States to ensure timely access to such judges.

(4) HIRING AUTHORITY.—Subject to the amounts provided in advance in appropriations Act, the Secretary shall have authority to hire administrative law judges to hear such cases, giving priority to those judges with prior experience in handling medicare appeals and in a manner consistent with paragraph (3), and to hire support staff for such judges.

(5) FINANCING.—Amounts payable under law to the Commissioner for administrative law judges performing the administrative law judge functions transferred under paragraph (1) from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund shall become payable to the Secretary for the functions so transferred.

(6) SHARED RESOURCES.—The Secretary shall enter into such arrangements with the Commissioner as may be appropriate with respect to transferred functions of administrative law judges to share office space, support staff, and other resources, with appropriate reimbursement from the Trust Funds described in paragraph (5).

(c) INCREASED FINANCIAL SUPPORT.—In addition to any amounts otherwise appropriated, to ensure timely action on appeals before administrative law judges and the Departmental Appeals Board consistent with section 1869 of the Social Security Act (as amended by section 521 of BIPA, 114 Stat. 2763A–534), there are authorized to be appropriated (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to the Secretary such sums as are necessary for fiscal year 2003 and each subsequent fiscal year to—

(1) increase the number of administrative law judges (and their staffs) under subsection (b)(4);

(2) improve education and training opportunities for administrative law judges (and their staffs); and

(3) increase the staff of the Departmental Appeals Board.

(d) CONFORMING AMENDMENT.—Section 1869(f)(2)(A)(i) (42 U.S.C. 1395ff(f)(2)(A)(i)), as added by section 522(a) of BIPA (114 Stat. 2763A–543), is amended by striking ''of the Social Security Administration''.

SEC. 402. PROCESS FOR EXPEDITED ACCESS TO REVIEW.

(a) EXPEDITED ACCESS TO JUDICIAL REVIEW.—Section 1869(b) (42 U.S.C. 1395ff(b)) as amended by BIPA, is amended—

(1) in paragraph (1)(A), by inserting '', subject to paragraph (2),'' before ''to judicial review of the Secretary's final decision'';

(2) in paragraph (1)(F)—

(A) by striking clause (ii);

(B) by striking ''PROCEEDING'' and all that follows through ''DETERMINATION'' and inserting ''DETERMINATIONS AND RECONSIDERATIONS''; and

(C) by redesignating subclauses (I) and (II) as clauses (i) and (ii) and by moving the indentation of such subclauses (and the matter that follows) 2 ems to the left; and

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

''(2) EXPEDITED ACCESS TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall establish a process under which a provider of services or supplier that furnishes an item or service or an individual entitled to benefits under part A or enrolled under part B, or both, who has filed an appeal under paragraph (1) may obtain access to judicial review when a review panel (described in subparagraph (D)), on its own motion or at the request of the appellant, determines that no entity in the administrative appeals process has the authority to decide the question of law or regulation relevant to the matters in controversy and that there is no material issue of fact in dispute. The appellant may make such request only once with respect to a question of law or regulation in a case of an appeal.

''(B) PROMPT DETERMINATIONS.—If, after or coincident with appropriately filing a request for an administrative hearing, the appellant requests a determination by the appropriate review panel that no review panel has the authority to decide the question of law or regulations relevant to the matters in controversy and that there is no material issue of fact in dispute and if such request is accompanied by the documents and materials as the appropriate review panel shall require for purposes of making such determination, such review panel shall make a determination on the request in writing within 60 days after the date such review panel receives the request and such accompanying documents and materials. Such a determination by such review panel shall be considered a final decision and not subject to review by the Secretary.

''(C) ACCESS TO JUDICIAL REVIEW.—

''(i) IN GENERAL.—If the appropriate review panel—

''(I) determines that there are no material issues of fact in dispute and that the only issue is one of law or regulation that no review panel has the authority to decide; or

''(II) fails to make such determination within the period provided under subparagraph (B);

then the appellant may bring a civil action as described in this subparagraph.

''(ii) DEADLINE FOR FILING.—Such action shall be filed, in the case described in—

''(I) clause (i)(I), within 60 days of date of the determination described in such subparagraph; or

''(II) clause (i)(II), within 60 days of the end of the period provided under subparagraph (B) for the determination.

''(iii) VENUE.—Such action shall be brought in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than one applicant, the judicial district in which the greatest number of applicants are located) or in the district court for the District of Columbia.

''(iv) INTEREST ON AMOUNTS IN CONTROVERSY.—Where a provider of services or supplier seeks judicial review pursuant to this paragraph, the amount in controversy shall be subject to annual interest beginning on the first day of the first month beginning after the 60-day period as determined pursuant to clause (ii) and equal to the rate of interest on obligations issued for purchase by the Federal Hospital Insurance Trust Fund

and by the Federal Supplementary Medical Insurance Trust Fund for the month in which the civil action authorized under this paragraph is commenced, to be awarded by the reviewing court in favor of the prevailing party. No interest awarded pursuant to the preceding sentence shall be deemed income or cost for the purposes of determining reimbursement due providers of services or suppliers under this Act.

''(D) REVIEW PANELS.—For purposes of this subsection, a 'review panel' is a panel consisting of 3 members (who shall be administrative law judges, members of the Departmental Appeals Board, or qualified individuals associated with a qualified independent contractor (as defined in subsection (c)(2)) or with another independent entity) designated by the Secretary for purposes of making determinations under this paragraph.''.

(b) APPLICATION TO PROVIDER AGREEMENT DETERMINATIONS.—Section 1866(h)(1) (42 U.S.C. 1395cc(h)(1)) is amended—

(1) by inserting ''(A)'' after ''(h)(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) An institution or agency described in subparagraph (A) that has filed for a hearing under subparagraph (A) shall have expedited access to judicial review under this subparagraph in the same manner as providers of services, suppliers, and individuals entitled to benefits under part A or enrolled under part B, or both, may obtain expedited access to judicial review under the process established under section 1869(b)(2). Nothing in this subparagraph shall be construed to affect the application of any remedy imposed under section 1819 during the pendency of an appeal under this subparagraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appeals filed on or after October 1, 2002.

(d) EXPEDITED REVIEW OF CERTAIN PROVIDER AGREEMENT DETERMINATIONS.—

(1) TERMINATION AND CERTAIN OTHER IMMEDIATE REMEDIES.—The Secretary shall develop and implement a process to expedite proceedings under sections 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)) in which the remedy of termination of participation, or a remedy described in clause (i) or (iii) of section 1819(h)(2)(B) of such Act (42 U.S.C. 1395i–3(h)(2)(B)) which is applied on an immediate basis, has been imposed. Under such process priority shall be provided in cases of termination.

(2) INCREASED FINANCIAL SUPPORT.—In addition to any amounts otherwise appropriated, to reduce by 50 percent the average time for administrative determinations on appeals under section 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)), there are authorized to be appropriated (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to the Secretary such additional sums for fiscal year 2003 and each subsequent fiscal year as may be necessary. The purposes for which such amounts are available include increasing the number of administrative law judges (and their staffs) and the appellate level staff at the Departmental Appeals Board of the Department of Health and Human Services and educating such judges and staffs on long-term care issues.

SEC. 403. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) REQUIRING FULL AND EARLY PRESENTATION OF EVIDENCE.—

(1) IN GENERAL.—Section 1869(b) (42 U.S.C. 1395ff(b)), as amended by BIPA and as amended by section 402(a), is further amended by adding at the end the following new paragraph:

''(3) REQUIRING FULL AND EARLY PRESENTATION OF EVIDENCE BY PROVIDERS.—A provider of services or supplier may not introduce evidence in any appeal under this section that was not presented at the reconsideration conducted by the qualified independent contractor under subsection (c), unless there is good cause which precluded the introduction of such evidence at or before that reconsideration.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2002.

(b) USE OF PATIENTS' MEDICAL RECORDS.—Section 1869(c)(3)(B)(i) (42 U.S.C. 1395ff(c)(3)(B)(i)), as amended by BIPA, is amended by inserting ''(including the medical records of the individual involved)'' after ''clinical experience''.

(c) NOTICE REQUIREMENTS FOR MEDICARE APPEALS.—

(1) INITIAL DETERMINATIONS AND REDETERMINATIONS.—Section 1869(a) (42 U.S.C. 1395ff(a)), as amended by BIPA, is amended by adding at the end the following new paragraph:

''(4) REQUIREMENTS OF NOTICE OF DETERMINATIONS AND REDETERMINATIONS.—A written notice of a determination on an initial determination or on a redetermination, insofar as such determination or redetermination results in a denial of a claim for benefits, shall include—

''(A) the specific reasons for the determination, including—

''(i) upon request, the provision of the policy, manual, or regulation used in making the determination; and

''(ii) as appropriate in the case of a redetermination, a summary of the clinical or scientific evidence used in making the determination;

''(B) the procedures for obtaining additional information concerning the determination or redetermination; and

''(C) notification of the right to seek a redetermination or otherwise appeal the determination and instructions on how to initiate such a redetermination or appeal under this section.

The written notice on a redetermination shall be provided in printed form and written in a manner calculated to be understood by the individual entitled to benefits under part A or enrolled under part B, or both.''.

(2) RECONSIDERATIONS.—Section 1869(c)(3)(E) (42 U.S.C. 1395ff(c)(3)(E)), as amended by BIPA, is amended—

(A) by inserting ''be written in a manner calculated to be understood by the individual entitled to benefits under part A or enrolled under part B, or both, and shall include (to the extent appropriate)'' after ''in writing, ''; and

(B) by inserting ''and a notification of the right to appeal such determination and instructions on how to initiate such appeal under this section'' after ''such decision, ''.

(3) APPEALS.—Section 1869(d) (42 U.S.C. 1395ff(d)), as amended by BIPA, is amended—

(A) in the heading, by inserting ''; NOTICE'' after ''SECRETARY''; and

(B) by adding at the end the following new paragraph:

''(4) NOTICE.—Notice of the decision of an administrative law judge shall be in writing in a manner calculated to be understood by the individual entitled to benefits under part A or enrolled under part B, or both, and shall include—

''(A) the specific reasons for the determination (including, to the extent appropriate, a summary of the clinical or scientific evidence used in making the determination);

''(B) the procedures for obtaining additional information concerning the decision; and

''(C) notification of the right to appeal the decision and instructions on how to initiate such an appeal under this section.''.

(4) SUBMISSION OF RECORD FOR APPEAL.—Section 1869(c)(3)(J)(i) (42 U.S.C. 1395ff(c)(3)(J)(i)) by striking ''prepare'' and inserting ''submit'' and by striking ''with respect to'' and all that follows through ''and relevant policies''.

(d) QUALIFIED INDEPENDENT CONTRACTORS.—

(1) ELIGIBILITY REQUIREMENTS OF QUALIFIED INDEPENDENT CONTRACTORS.—Section 1869(c)(3) (42 U.S.C. 1395ff(c)(3)), as amended by BIPA, is amended—

(A) in subparagraph (A), by striking ''sufficient training and expertise in medical science and legal matters'' and inserting ''sufficient medical, legal, and other expertise (including knowledge of the program under this title) and sufficient staffing''; and

(B) by adding at the end the following new subparagraph:

''(K) INDEPENDENCE REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), a qualified independent contractor shall not conduct any activities in a case unless the entity—

''(I) is not a related party (as defined in subsection (g)(5));

''(II) does not have a material familial, financial, or professional relationship with such a party in relation to such case; and

''(III) does not otherwise have a conflict of interest with such a party.

''(ii) EXCEPTION FOR REASONABLE COMPENSATION.—Nothing in clause (i) shall be construed to prohibit receipt by a qualified independent contractor of compensation from the Secretary for the conduct of activities under this section if the compensation is provided consistent with clause (iii).

''(iii) LIMITATIONS ON ENTITY COMPENSATION.—Compensation provided by the Secretary to a qualified independent contractor in connection with reviews under this section shall not be contingent on any decision rendered by the contractor or by any reviewing professional.''.

(2) ELIGIBILITY REQUIREMENTS FOR REVIEWERS.—Section 1869 (42 U.S.C. 1395ff), as amended by BIPA, is amended—

(A) by amending subsection (c)(3)(D) to read as follows:

''(D) QUALIFICATIONS FOR REVIEWERS.—The requirements of subsection (g) shall be met (relating to qualifications of reviewing professionals).''; and

(B) by adding at the end the following new subsection:

''(g) QUALIFICATIONS OF REVIEWERS.—

''(1) IN GENERAL.—In reviewing determinations under this section, a qualified independent contractor shall assure that—

''(A) each individual conducting a review shall meet the qualifications of paragraph (2);

''(B) compensation provided by the contractor to each such reviewer is consistent with paragraph (3); and

''(C) in the case of a review by a panel described in subsection (c)(3)(B) composed of physicians or other health care professionals (each in this subsection referred to as a 'reviewing professional'), each reviewing professional meets the qualifications described in paragraph (4) and, where a claim is regarding the furnishing of treatment by a physician (allopathic or osteopathic) or the provision of items or services by a physician (allopathic or osteopathic), each reviewing professional shall be a physician (allopathic or osteopathic).

''(2) INDEPENDENCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), each individual conducting a review in a case shall—

''(i) not be a related party (as defined in paragraph (5));

''(ii) not have a material familial, financial, or professional relationship with such a party in the case under review; and

''(iii) not otherwise have a conflict of interest with such a party.

''(B) EXCEPTION.—Nothing in subparagraph (A) shall be construed to—

''(i) prohibit an individual, solely on the basis of a participation agreement with a fiscal intermediary, carrier, or other contractor, from serving as a reviewing professional if—

''(I) the individual is not involved in the provision of items or services in the case under review;

''(II) the fact of such an agreement is disclosed to the Secretary and the individual entitled to benefits under part A or enrolled under part B, or both, (or authorized representative) and neither party objects; and

''(III) the individual is not an employee of the intermediary, carrier, or contractor and does not provide services exclusively or primarily to or on behalf of such intermediary, carrier, or contractor;

''(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as a reviewer merely on the basis of having such staff privileges if the existence of such privileges is disclosed to the Secretary and such individual (or authorized representative), and neither party objects; or

''(iii) prohibit receipt of compensation by a reviewing professional from a contractor if the compensation is provided consistent with paragraph (3).

For purposes of this paragraph, the term 'participation agreement' means an agreement relating to the provision of health care services by the individual and does not include the provision of services as a reviewer under this subsection.

''(3) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by a qualified independent contractor to a reviewer in connection with a review under this section shall not be contingent on the decision rendered by the reviewer.

''(4) LICENSURE AND EXPERTISE.—Each reviewing professional shall be—

''(A) a physician (allopathic or osteopathic) who is appropriately credentialed or licensed in one or more States to deliver health care services and has medical expertise in the field of practice that is appropriate for the items or services at issue; or

''(B) a health care professional who is legally authorized in one or more States (in accordance with State law or the State regulatory mechanism provided by State law) to furnish the health care items or services at issue and has medical expertise in the field of practice that is appropriate for such items or services.

''(5) RELATED PARTY DEFINED.—For purposes of this section, the term 'related party' means, with respect to a case under this title involving a specific individual entitled to benefits under part A or enrolled under part B, or both, any of the following:

''(A) The Secretary, the medicare administrative contractor involved, or any fiduciary, officer, director, or employee of the Department of Health and Human Services, or of such contractor.

''(B) The individual (or authorized representative).

''(C) The health care professional that provides the items or services involved in the case.

''(D) The institution at which the items or services (or treatment) involved in the case are provided.

''(E) The manufacturer of any drug or other item that is included in the items or services involved in the case.

''(F) Any other party determined under any regulations to have a substantial interest in the case involved.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall be effective as if included in the enactment of the respective provisions of subtitle C of title V of BIPA, (114 Stat. 2763A–534).

(4) TRANSITION.—In applying section 1869(g) of the Social Security Act (as added by paragraph (2)), any reference to a medicare administrative contractor shall be deemed to include a reference to a fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and a carrier under section 1842 of such Act (42 U.S.C. 1395u).

SEC. 404. PREPAYMENT REVIEW.

(a) IN GENERAL.—Section 1874A, as added by section 201(a)(1) and as amended by sections 202(b), 301(b)(1), and 301(c)(1), is further amended by adding at the end the following new subsection:

''(h) CONDUCT OF PREPAYMENT REVIEW.—

''(1) CONDUCT OF RANDOM PREPAYMENT REVIEW.—

''(A) IN GENERAL.—A medicare administrative contractor may conduct random prepayment review only to develop a contractor-wide or program-wide claims payment error rates or under such additional circumstances as may be provided under regulations, developed in consultation with providers of services and suppliers.

''(B) USE OF STANDARD PROTOCOLS WHEN CONDUCTING PREPAYMENT REVIEWS.—When a medicare administrative contractor conducts a random prepayment review, the contractor may conduct such review only in accordance with a standard protocol for random prepayment audits developed by the Secretary.

''(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing the denial of payments for claims actually reviewed under a random prepayment review.

''(D) RANDOM PREPAYMENT REVIEW.—For purposes of this subsection, the term 'random prepayment review' means a demand for the production of records or documentation absent cause with respect to a claim.

''(2) LIMITATIONS ON NON-RANDOM PREPAYMENT REVIEW.—

''(A) LIMITATIONS ON INITIATION OF NON-RANDOM PREPAYMENT REVIEW.—A medicare administrative contractor may not initiate non-random prepayment review of a provider of services or supplier based on the initial identification by that provider of services or supplier of an improper billing practice unless there is a likelihood of sustained or high level of payment error (as defined in subsection (i)(3)(A)).

''(B) TERMINATION OF NON-RANDOM PREPAYMENT REVIEW.—The Secretary shall issue regulations relating to the termination, including termination dates, of non-random prepayment review. Such regulations may vary such a termination date based upon the differences in the circumstances triggering prepayment review.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act.

(2) DEADLINE FOR PROMULGATION OF CERTAIN REGULATIONS.—The Secretary shall first issue regulations under section 1874A(h) of the Social Security Act, as added by subsection (a), by not later than 1 year after the date of the enactment of this Act.

(3) APPLICATION OF STANDARD PROTOCOLS FOR RANDOM PREPAYMENT REVIEW.—Section 1874A(h)(1)(B) of the Social Security Act, as added by subsection (a), shall apply to random prepayment reviews conducted on or after such date (not later than 1 year after the date of the enactment of this Act) as the Secretary shall specify.

(c) APPLICATION TO FISCAL INTERMEDIARIES AND CARRIERS.—The provisions of section 1874A(h) of the Social Security Act, as added by subsection (a), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

SEC. 405. RECOVERY OF OVERPAYMENTS.

(a) IN GENERAL.—Section 1893 (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

''(f) RECOVERY OF OVERPAYMENTS.—

''(1) USE OF REPAYMENT PLANS.—

''(A) IN GENERAL.—If the repayment, within 30 days by a provider of services or supplier, of an overpayment under this title would constitute a hardship (as defined in subparagraph (B)), subject to subparagraph (C), upon request of the provider of services or supplier the Secretary shall enter into a plan with the provider of services or supplier for the repayment (through offset or otherwise) of such overpayment over a period of at least 6 months but not longer than 3 years (or not longer than 5 years in the case of extreme hardship, as determined by the Secretary). Interest shall accrue on the balance through the period of repayment. Such plan shall meet terms and conditions determined to be appropriate by the Secretary.

''(B) HARDSHIP.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the repayment of an overpayment (or overpayments) within 30 days is deemed to constitute a hardship if—

''(I) in the case of a provider of services that files cost reports, the aggregate amount of the overpayments exceeds 10 percent of the amount paid under this title to the provider of services for the cost reporting period covered by the most recently submitted cost report; or

''(II) in the case of another provider of services or supplier, the aggregate amount of the overpayments exceeds 10 percent of the amount paid under this title to the provider of services or supplier for the previous calendar year.

''(ii) RULE OF APPLICATION.—The Secretary shall establish rules for the application of this subparagraph in the case of a provider of services or supplier that was not paid under this title during the previous year or was paid under this title only during a portion of that year.

''(iii) TREATMENT OF PREVIOUS OVERPAYMENTS.—If a provider of services or supplier has entered into a repayment plan under subparagraph (A) with respect to a specific overpayment amount, such payment amount under the repayment plan shall not be taken into account under clause (i) with respect to subsequent overpayment amounts.

''(C) EXCEPTIONS.—Subparagraph (A) shall not apply if—

''(i) the Secretary has reason to suspect that the provider of services or supplier may file for bankruptcy or otherwise cease to do business or discontinue participation in the program under this title; or

''(ii) there is an indication of fraud or abuse committed against the program.

''(D) IMMEDIATE COLLECTION IF VIOLATION OF REPAYMENT PLAN.—If a provider of services or supplier fails to make a payment in accordance with a repayment plan under this paragraph, the Secretary may immediately seek to offset or otherwise recover the total balance outstanding (including applicable interest) under the repayment plan.

''(E) RELATION TO NO FAULT PROVISION.—Nothing in this paragraph shall be construed

as affecting the application of section 1870(c) (relating to no adjustment in the cases of certain overpayments).

''(2) LIMITATION ON RECOUPMENT.—

''(A) IN GENERAL.—In the case of a provider of services or supplier that is determined to have received an overpayment under this title and that seeks a reconsideration by a qualified independent contractor on such determination under section 1869(b)(1), the Secretary may not take any action (or authorize any other person, including any medicare contractor, as defined in subparagraph (C) to recoup the overpayment until the date the decision on the reconsideration has been rendered. If the provisions of section 1869(b)(1) (providing for such a reconsideration by a qualified independent contractor) are not in effect, in applying the previous sentence any reference to such a reconsideration shall be treated as a reference to a redetermination by the fiscal intermediary or carrier involved.

''(B) COLLECTION WITH INTEREST.—Insofar as the determination on such appeal is against the provider of services or supplier, interest on the overpayment shall accrue on and after the date of the original notice of overpayment. Insofar as such determination against the provider of services or supplier is later reversed, the Secretary shall provide for repayment of the amount recouped plus interest at the same rate as would apply under the previous sentence for the period in which the amount was recouped.

''(C) MEDICARE CONTRACTOR DEFINED.—For purposes of this subsection, the term 'medicare contractor' has the meaning given such term in section 1889(g).

''(3) LIMITATION ON USE OF EXTRAPOLATION.—A medicare contractor may not use extrapolation to determine overpayment amounts to be recovered by recoupment, offset, or otherwise unless—

''(A) there is a sustained or high level of payment error (as defined by the Secretary by regulation); or

''(B) documented educational intervention has failed to correct the payment error (as determined by the Secretary).

''(4) PROVISION OF SUPPORTING DOCUMENTATION.—In the case of a provider of services or supplier with respect to which amounts were previously overpaid, a medicare contractor may request the periodic production of records or supporting documentation for a limited sample of submitted claims to ensure that the previous practice is not continuing.

''(5) CONSENT SETTLEMENT REFORMS.—

''(A) IN GENERAL.—The Secretary may use a consent settlement (as defined in subparagraph (D)) to settle a projected overpayment.

''(B) OPPORTUNITY TO SUBMIT ADDITIONAL INFORMATION BEFORE CONSENT SETTLEMENT OFFER.—Before offering a provider of services or supplier a consent settlement, the Secretary shall—

''(i) communicate to the provider of services or supplier—

''(I) that, based on a review of the medical records requested by the Secretary, a preliminary evaluation of those records indicates that there would be an overpayment;

''(II) the nature of the problems identified in such evaluation; and

''(III) the steps that the provider of services or supplier should take to address the problems; and

''(ii) provide for a 45-day period during which the provider of services or supplier may furnish additional information concerning the medical records for the claims that had been reviewed.

''(C) CONSENT SETTLEMENT OFFER.—The Secretary shall review any additional information furnished by the provider of services or supplier under subparagraph (B)(ii). Taking into consideration such information, the Secretary shall determine if there still appears to be an overpayment. If so, the Secretary—

''(i) shall provide notice of such determination to the provider of services or supplier, including an explanation of the reason for such determination; and

''(ii) in order to resolve the overpayment, may offer the provider of services or supplier—

''(I) the opportunity for a statistically valid random sample; or

''(II) a consent settlement.

The opportunity provided under clause (ii)(I) does not waive any appeal rights with respect to the alleged overpayment involved.

''(D) CONSENT SETTLEMENT DEFINED.—For purposes of this paragraph, the term 'consent settlement' means an agreement between the Secretary and a provider of services or supplier whereby both parties agree to settle a projected overpayment based on less than a statistically valid sample of claims and the provider of services or supplier agrees not to appeal the claims involved.

''(6) NOTICE OF OVER-UTILIZATION OF CODES.—The Secretary shall establish, in consultation with organizations representing the classes of providers of services and suppliers, a process under which the Secretary provides for notice to classes of providers of services and suppliers served by the contractor in cases in which the contractor has identified that particular billing codes may be overutilized by that class of providers of services or suppliers under the programs under this title (or provisions of title XI insofar as they relate to such programs).

''(7) PAYMENT AUDITS.—

''(A) WRITTEN NOTICE FOR POST-PAYMENT AUDITS.—Subject to subparagraph (C), if a medicare contractor decides to conduct a post-payment audit of a provider of services or supplier under this title, the contractor shall provide the provider of services or supplier with written notice (which may be in electronic form) of the intent to conduct such an audit.

''(B) EXPLANATION OF FINDINGS FOR ALL AUDITS.—Subject to subparagraph (C), if a medicare contractor audits a provider of services or supplier under this title, the contractor shall—

''(i) give the provider of services or supplier a full review and explanation of the findings of the audit in a manner that is understandable to the provider of services or supplier and permits the development of an appropriate corrective action plan;

''(ii) inform the provider of services or supplier of the appeal rights under this title as well as consent settlement options (which are at the discretion of the Secretary);

''(iii) give the provider of services or supplier an opportunity to provide additional information to the contractor; and

''(iv) take into account information provided, on a timely basis, by the provider of services or supplier under clause (iii).

''(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply if the provision of notice or findings would compromise pending law enforcement activities, whether civil or criminal, or reveal findings of law enforcement-related audits.

''(8) STANDARD METHODOLOGY FOR PROBE SAMPLING.—The Secretary shall establish a standard methodology for medicare contractors to use in selecting a sample of claims for review in the case of an abnormal billing pattern.''.

(b) EFFECTIVE DATES AND DEADLINES.—

(1) USE OF REPAYMENT PLANS.—Section 1893(f)(1) of the Social Security Act, as added by subsection (a), shall apply to requests for repayment plans made after the date of the enactment of this Act.

(2) LIMITATION ON RECOUPMENT.—Section 1893(f)(2) of the Social Security Act, as added by subsection (a), shall apply to actions taken after the date of the enactment of this Act.

(3) USE OF EXTRAPOLATION.—Section 1893(f)(3) of the Social Security Act, as added by subsection (a), shall apply to statistically valid random samples initiated after the date that is 1 year after the date of the enactment of this Act.

(4) PROVISION OF SUPPORTING DOCUMENTATION.—Section 1893(f)(4) of the Social Security Act, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(5) CONSENT SETTLEMENT.—Section 1893(f)(5) of the Social Security Act, as added by subsection (a), shall apply to consent settlements entered into after the date of the enactment of this Act.

(6) NOTICE OF OVERUTILIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall first establish the process for notice of overutilization of billing codes under section 1893A(f)(6) of the Social Security Act, as added by subsection (a).

(7) PAYMENT AUDITS.—Section 1893A(f)(7) of the Social Security Act, as added by subsection (a), shall apply to audits initiated after the date of the enactment of this Act.

(8) STANDARD FOR ABNORMAL BILLING PATTERNS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall first establish a standard methodology for selection of sample claims for abnormal billing patterns under section 1893(f)(8) of the Social Security Act, as added by subsection (a).

SEC. 406. PROVIDER ENROLLMENT PROCESS; RIGHT OF APPEAL.

(a) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended—

(1) by adding at the end of the heading the following: ''; ENROLLMENT PROCESSES''; and

(2) by adding at the end the following new subsection:

''(j) ENROLLMENT PROCESS FOR PROVIDERS OF SERVICES AND SUPPLIERS.—

''(1) ENROLLMENT PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish by regulation a process for the enrollment of providers of services and suppliers under this title.

''(B) DEADLINES.—The Secretary shall establish by regulation procedures under which there are deadlines for actions on applications for enrollment (and, if applicable, renewal of enrollment). The Secretary shall monitor the performance of medicare administrative contractors in meeting the deadlines established under this subparagraph.

''(C) CONSULTATION BEFORE CHANGING PROVIDER ENROLLMENT FORMS.—The Secretary shall consult with providers of services and suppliers before making changes in the provider enrollment forms required of such providers and suppliers to be eligible to submit claims for which payment may be made under this title.

''(2) HEARING RIGHTS IN CASES OF DENIAL OR NON-RENEWAL.—A provider of services or supplier whose application to enroll (or, if applicable, to renew enrollment) under this title is denied may have a hearing and judicial review of such denial under the procedures that apply under subsection (h)(1)(A) to a provider of services that is dissatisfied with a determination by the Secretary.''.

(b) EFFECTIVE DATES.—

(1) ENROLLMENT PROCESS.—The Secretary shall provide for the establishment of the enrollment process under section 1866(j)(1) of the Social Security Act, as added by subsection (a)(2), within 6 months after the date of the enactment of this Act.

(2) CONSULTATION.—Section 1866(j)(1)(C) of the Social Security Act, as added by subsection (a)(2), shall apply with respect to changes in provider enrollment forms made on or after January 1, 2002.

(3) HEARING RIGHTS.—Section 1866(j)(2) of the Social Security Act, as added by subsection (a)(2), shall apply to denials occurring on or after such date (not later than 1 year after the date of the enactment of this Act) as the Secretary specifies.

SEC. 407. PROCESS FOR CORRECTION OF MINOR ERRORS AND OMISSIONS ON CLAIMS WITHOUT PURSUING APPEALS PROCESS.

The Secretary shall develop, in consultation with appropriate medicare contractors (as defined in section 1889(g) of the Social Security Act, as inserted by section 301(a)(1)) and representatives of providers of services and suppliers, a process whereby, in the case of minor errors or omissions (as defined by the Secretary) that are detected in the submission of claims under the programs under title XVIII of such Act, a provider of services or supplier is given an opportunity to correct such an error or omission without the need to initiate an appeal. Such process shall include the ability to resubmit corrected claims.

SEC. 408. PRIOR DETERMINATION PROCESS FOR CERTAIN ITEMS AND SERVICES; ADVANCE BENEFICIARY NOTICES.

(a) IN GENERAL.—Section 1869 (42 U.S.C. 1395ff(b)), as amended by sections 521 and 522 of BIPA and section 403(d)(2)(B), is further amended by adding at the end the following new subsection:

''(h) PRIOR DETERMINATION PROCESS FOR CERTAIN ITEMS AND SERVICES.—

''(1) ESTABLISHMENT OF PROCESS.—

''(A) IN GENERAL.—With respect to a medicare administrative contractor that has a contract under section 1874A that provides for making payments under this title with respect to eligible items and services described in subparagraph (C), the Secretary shall establish a prior determination process that meets the requirements of this subsection and that shall be applied by such contractor in the case of eligible requesters.

''(B) ELIGIBLE REQUESTER.—For purposes of this subsection, each of the following shall be an eligible requester:

''(i) A physician, but only with respect to eligible items and services for which the physician may be paid directly.

''(ii) An individual entitled to benefits under this title, but only with respect to an item or service for which the individual receives, from the physician who may be paid directly for the item or service, an advance beneficiary notice under section 1879(a) that payment may not be made (or may no longer be made) for the item or service under this title.

''(C) ELIGIBLE ITEMS AND SERVICES.—For purposes of this subsection and subject to paragraph (2), eligible items and services are items and services which are physicians' services (as defined in paragraph (4)(A) of section 1848(f) for purposes of calculating the sustainable growth rate under such section).

''(2) SECRETARIAL FLEXIBILITY.—The Secretary shall establish by regulation reasonable limits on the categories of eligible items and services for which a prior determination of coverage may be requested under this subsection. In establishing such limits, the Secretary may consider the dollar amount involved with respect to the item or service, administrative costs and burdens, and other relevant factors.

''(3) REQUEST FOR PRIOR DETERMINATION.—

''(A) IN GENERAL.—Subject to paragraph (2), under the process established under this subsection an eligible requester may submit to the contractor a request for a determination, before the furnishing of an eligible item or service involved as to whether the item or service is covered under this title consistent with the applicable requirements of section 1862(a)(1)(A) (relating to medical necessity).

''(B) ACCOMPANYING DOCUMENTATION.—The Secretary may require that the request be accompanied by a description of the item or service, supporting documentation relating to the medical necessity for the item or service, and any other appropriate documentation. In the case of a request submitted by an eligible requester who is described in paragraph (1)(B)(ii), the Secretary may require that the request also be accompanied by a copy of the advance beneficiary notice involved.

''(4) RESPONSE TO REQUEST.—

''(A) IN GENERAL.—Under such process, the contractor shall provide the eligible requester with written notice of a determination as to whether—

''(i) the item or service is so covered;

''(ii) the item or service is not so covered; or

''(iii) the contractor lacks sufficient information to make a coverage determination.

If the contractor makes the determination described in clause (iii), the contractor shall include in the notice a description of the additional information required to make the coverage determination.

''(B) DEADLINE TO RESPOND.—Such notice shall be provided within the same time period as the time period applicable to the contractor providing notice of initial determinations on a claim for benefits under subsection (a)(2)(A).

''(C) INFORMING BENEFICIARY IN CASE OF PHYSICIAN REQUEST.—In the case of a request in which an eligible requester is not the individual described in paragraph (1)(B)(ii), the process shall provide that the individual to whom the item or service is proposed to be furnished shall be informed of any determination described in clause (ii) (relating to a determination of non-coverage) and the right (referred to in paragraph (6)(B)) to obtain the item or service and have a claim submitted for the item or service.

''(5) EFFECT OF DETERMINATIONS.—

''(A) BINDING NATURE OF POSITIVE DETERMINATION.—If the contractor makes the determination described in paragraph (4)(A)(i), such determination shall be binding on the contractor in the absence of fraud or evidence of misrepresentation of facts presented to the contractor.

''(B) NOTICE AND RIGHT TO REDETERMINATION IN CASE OF A DENIAL.—

''(i) IN GENERAL.—If the contractor makes the determination described in paragraph (4)(A)(ii)—

''(I) the eligible requester has the right to a redetermination by the contractor on the determination that the item or service is not so covered; and

''(II) the contractor shall include in notice under paragraph (4)(A) a brief explanation of the basis for the determination, including on what national or local coverage or noncoverage determination (if any) the determination is based, and the right to such a redetermination.

''(ii) DEADLINE FOR REDETERMINATIONS.—The contractor shall complete and provide notice of such redetermination within the same time period as the time period applicable to the contractor providing notice of redeterminations relating to a claim for benefits under subsection (a)(3)(C)(ii).

''(6) LIMITATION ON FURTHER REVIEW.—

''(A) IN GENERAL.—Contractor determinations described in paragraph (4)(A)(ii) or (4)(A)(iii) (and redeterminations made under paragraph (5)(B)), relating to pre-service claims are not subject to further administrative appeal or judicial review under this section or otherwise.

''(B) DECISION NOT TO SEEK PRIOR DETERMINATION OR NEGATIVE DETERMINATION DOES NOT IMPACT RIGHT TO OBTAIN SERVICES, SEEK REIMBURSEMENT, OR APPEAL RIGHTS.—Nothing in this subsection shall be construed as affecting the right of an individual who—

''(i) decides not to seek a prior determination under this subsection with respect to items or services; or

''(ii) seeks such a determination and has received a determination described in paragraph (4)(A)(ii)), from receiving (and submitting a claim for) such items services and from obtaining administrative or judicial review respecting such claim under the other applicable provisions of this section. Failure to seek a prior determination under this subsection with respect to items and services shall not be taken into account in such administrative or judicial review.

''(C) NO PRIOR DETERMINATION AFTER RECEIPT OF SERVICES.—Once an individual is provided items and services, there shall be no prior determination under this subsection with respect to such items or services.''.

(b) EFFECTIVE DATE; TRANSITION.—

(1) EFFECTIVE DATE.—The Secretary shall establish the prior determination process under the amendment made by subsection (a) in such a manner as to provide for the acceptance of requests for determinations under such process filed not later than 18 months after the date of the enactment of this Act.

(2) TRANSITION.—During the period in which the amendment made by subsection (a) has become effective but contracts are not provided under section 1874A of the Social Security Act with medicare administrative contractors, any reference in section 1869(g) of such Act (as added by such amendment) to such a contractor is deemed a reference to a fiscal intermediary or carrier with an agreement under section 1816, or contract under section 1842, respectively, of such Act.

(3) LIMITATION ON APPLICATION TO SGR.—For purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)(D)), the amendment made by subsection (a) shall not be considered to be a change in law or regulation.

(c) PROVISIONS RELATING TO ADVANCE BENEFICIARY NOTICES; REPORT ON PRIOR DETERMINATION PROCESS.—

(1) DATA COLLECTION.—The Secretary shall establish a process for the collection of information on the instances in which an advance beneficiary notice (as defined in paragraph (4)) has been provided and on instances in which a beneficiary indicates on such a notice that the beneficiary does not intend to seek to have the item or service that is the subject of the notice furnished.

(2) OUTREACH AND EDUCATION.—The Secretary shall establish a program of outreach and education for beneficiaries and providers of services and other persons on the appropriate use of advance beneficiary notices and coverage policies under the medicare program.

(3) GAO REPORT REPORT ON USE OF ADVANCE BENEFICIARY NOTICES.—Not later than 18 months after the date on which section 1869(g) of the Social Security Act (as added by subsection (a)) takes effect, the Comptroller General of the United States shall submit to Congress a report on the use of advance beneficiary notices under title XVIII of such Act. Such report shall include information concerning the providers of services and other persons that have provided such notices and the response of beneficiaries to such notices.

(4) GAO REPORT ON USE OF PRIOR DETERMINATION PROCESS.—Not later than 18 months after the date on which section 1869(g) of the Social Security Act (as added by subsection (a)) takes effect, the Comptroller General of the United States shall submit to Congress a report on the use of the prior determination process under such section. Such report shall include—

(A) information concerning the types of procedures for which a prior determination has been sought, determinations made under the process, and changes in receipt of services resulting from the application of such process; and

(B) an evaluation of whether the process was useful for physicians (and other suppliers) and beneficiaries, whether it was timely, and whether the amount of information required was burdensome to physicians and beneficiaries.

(5) ADVANCE BENEFICIARY NOTICE DEFINED.—In this subsection, the term ''advance beneficiary notice'' means a written notice provided under section 1879(a) of the Social Security Act (42 U.S.C. 1395pp(a)) to an individual entitled to benefits under part A or B of title XVIII of such Act before items or services are furnished under such part in cases where a provider of services or other person that would furnish the item or service believes that payment will not be made for some or all of such items or services under such title.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. POLICY DEVELOPMENT REGARDING EVALUATION AND MANAGEMENT (E & M) DOCUMENTATION GUIDELINES.

(a) IN GENERAL.—The Secretary may not implement any new documentation guidelines for evaluation and management physician services under the title XVIII of the Social Security Act on or after the date of the enactment of this Act unless the Secretary—

(1) has developed the guidelines in collaboration with practicing physicians (including both generalists and specialists) and provided for an assessment of the proposed guidelines by the physician community;

(2) has established a plan that contains specific goals, including a schedule, for improving the use of such guidelines;

(3) has conducted appropriate and representative pilot projects under subsection (b) to test modifications to the evaluation and management documentation guidelines;

(4) finds that the objectives described in subsection (c) will be met in the implementation of such guidelines; and

(5) has established, and is implementing, a program to educate physicians on the use of such guidelines and that includes appropriate outreach.

The Secretary shall make changes to the manner in which existing evaluation and management documentation guidelines are implemented to reduce paperwork burdens on physicians.

(b) PILOT PROJECTS TO TEST EVALUATION AND MANAGEMENT DOCUMENTATION GUIDELINES.—

(1) IN GENERAL.—The Secretary shall conduct under this subsection appropriate and representative pilot projects to test new evaluation and management documentation guidelines referred to in subsection (a).

(2) LENGTH AND CONSULTATION.—Each pilot project under this subsection shall—

(A) be voluntary;

(B) be of sufficient length as determined by the Secretary to allow for preparatory physician and medicare contractor education, analysis, and use and assessment of potential evaluation and management guidelines; and

(C) be conducted, in development and throughout the planning and operational stages of the project, in consultation with practicing physicians (including both generalists and specialists).

(3) RANGE OF PILOT PROJECTS.—Of the pilot projects conducted under this subsection—

(A) at least one shall focus on a peer review method by physicians (not employed by a medicare contractor) which evaluates medical record information for claims submitted by physicians identified as statistical outliers relative to definitions published in the Current Procedures Terminology (CPT) code book of the American Medical Association;

(B) at least one shall focus on an alternative method to detailed guidelines based on physician documentation of face to face encounter time with a patient;

(C) at least one shall be conducted for services furnished in a rural area and at least one for services furnished outside such an area; and

(D) at least one shall be conducted in a setting where physicians bill under physicians' services in teaching settings and at least one shall be conducted in a setting other than a teaching setting.

(4) BANNING OF TARGETING OF PILOT PROJECT PARTICIPANTS.—Data collected under this subsection shall not be used as the basis for overpayment demands or post-payment audits. Such limitation applies only to claims filed as part of the pilot project and lasts only for the duration of the pilot project and only as long as the provider is a participant in the pilot project.

(5) STUDY OF IMPACT.—Each pilot project shall examine the effect of the new evaluation and management documentation guidelines on—

(A) different types of physician practices, including those with fewer than 10 full-time-equivalent employees (including physicians); and

(B) the costs of physician compliance, including education, implementation, auditing, and monitoring.

(6) PERIODIC REPORTS.—The Secretary shall submit to Congress periodic reports on the pilot projects under this subsection.

(c) OBJECTIVES FOR EVALUATION AND MANAGEMENT GUIDELINES.—The objectives for modified evaluation and management documentation guidelines developed by the Secretary shall be to—

(1) identify clinically relevant documentation needed to code accurately and assess coding levels accurately;

(2) decrease the level of non-clinically pertinent and burdensome documentation time and content in the physician's medical record;

(3) increase accuracy by reviewers; and

(4) educate both physicians and reviewers.

(d) STUDY OF SIMPLER, ALTERNATIVE SYSTEMS OF DOCUMENTATION FOR PHYSICIAN CLAIMS.—

(1) STUDY.—The Secretary shall carry out a study of the matters described in paragraph (2).

(2) MATTERS DESCRIBED.—The matters referred to in paragraph (1) are—

(A) the development of a simpler, alternative system of requirements for documentation accompanying claims for evaluation and management physician services for which payment is made under title XVIII of the Social Security Act; and

(B) consideration of systems other than current coding and documentation requirements for payment for such physician services.

(3) CONSULTATION WITH PRACTICING PHYSICIANS.—In designing and carrying out the study under paragraph (1), the Secretary shall consult with practicing physicians, including physicians who are part of group practices and including both generalists and specialists.

(4) APPLICATION OF HIPAA UNIFORM CODING REQUIREMENTS.—In developing an alternative system under paragraph (2), the Secretary shall consider requirements of administrative simplification under part C of title XI of the Social Security Act.

(5) REPORT TO CONGRESS.—(A) Not later than October 1, 2003, the Secretary shall submit to Congress a report on the results of the study conducted under paragraph (1).

(B) The Medicare Payment Advisory Commission shall conduct an analysis of the results of the study included in the report under subparagraph (A) and shall submit a report on such analysis to Congress.

(e) STUDY ON APPROPRIATE CODING OF CERTAIN EXTENDED OFFICE VISITS.—The Secretary shall conduct a study of the appropriateness of coding in cases of extended office visits in which there is no diagnosis made. Not later than October 1, 2003, the Secretary shall submit a report to Congress on such study and shall include recommendations on how to code appropriately for such visits in a manner that takes into account the amount of time the physician spent with the patient.

(f) DEFINITIONS.—In this section—

(1) the term ''rural area'' has the meaning given that term in section 1886(d)(2)(D) of the Social Security Act, 42 U.S.C. 1395ww(d)(2)(D); and

(2) the term ''teaching settings'' are those settings described in section 415.150 of title 42, Code of Federal Regulations.

SEC. 502. IMPROVEMENT IN OVERSIGHT OF TECHNOLOGY AND COVERAGE.

(a) IMPROVED COORDINATION BETWEEN FDA AND CMS ON COVERAGE OF BREAKTHROUGH MEDICAL DEVICES.—

(1) IN GENERAL.—Upon request by an applicant and to the extent feasible (as determined by the Secretary), the Secretary shall, in the case of a class III medical device that is subject to premarket approval under section 515 of the Federal Food, Drug, and Cosmetic Act, ensure the sharing of appropriate information from the review for application for premarket approval conducted by the Food and Drug Administration for coverage decisions under title XVIII of the Social Security Act.

(2) PUBLICATION OF PLAN.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to appropriate Committees of Congress a report that contains the plan for improving such coordination and for shortening the time lag between the premarket approval by the Food and Drug Administration and coding and coverage decisions by the Centers for Medicare & Medicaid Services.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as changing the criteria for coverage of a medical device under title XVIII of the Social Security Act nor premarket approval by the Food and Drug Administration and nothing in this subsection shall be construed to increase premarket approval application requirements under the Federal Food, Drug, and Cosmetic Act.

(b) COUNCIL FOR TECHNOLOGY AND INNOVATION.—Section 1868 (42 U.S.C. 1395ee), as amended by section 301(a), is amended by adding at the end the following new subsection:

''(c) COUNCIL FOR TECHNOLOGY AND INNOVATION.—

''(1) ESTABLISHMENT.—The Secretary shall establish a Council for Technology and Innovation within the Centers for Medicare & Medicaid Services (in this section referred to as 'CMS').

''(2) COMPOSITION.—The Council shall be composed of senior CMS staff and clinicians

and shall be chaired by the Executive Coordinator for Technology and Innovation (appointed or designated under paragraph (4)).

''(3) DUTIES.—The Council shall coordinate the activities of coverage, coding, and payment processes under this title with respect to new technologies and procedures, including new drug therapies, and shall coordinate the exchange of information on new technologies between CMS and other entities that make similar decisions.

''(4) EXECUTIVE COORDINATOR FOR TECHNOLOGY AND INNOVATION.—The Secretary shall appoint (or designate) a noncareer appointee (as defined in section 3132(a)(7) of title 5, United States Code) who shall serve as the Executive Coordinator for Technology and Innovation. Such executive coordinator shall report to the Administrator of CMS, shall chair the Council, shall oversee the execution of its duties, and shall serve as a single point of contact for outside groups and entities regarding the coverage, coding, and payment processes under this title.''.

(c) GAO STUDY ON IMPROVEMENTS IN EXTERNAL DATA COLLECTION FOR USE IN THE MEDICARE INPATIENT PAYMENT SYSTEM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that analyzes which external data can be collected in a shorter time frame by the Centers for Medicare & Medicaid Services for use in computing payments for inpatient hospital services. The study may include an evaluation of the feasibility and appropriateness of using of quarterly samples or special surveys or any other methods. The study shall include an analysis of whether other executive agencies, such as the Bureau of Labor Statistics in the Department of Commerce, are best suited to collect this information.

(2) REPORT.—By not later than October 1, 2002, the Comptroller General shall submit a report to Congress on the study under paragraph (1).

(d) IOM STUDY ON LOCAL COVERAGE DETERMINATIONS.—

(1) STUDY.—The Secretary shall enter into an arrangement with the Institute of Medicine of the National Academy of Sciences under which the Institute shall conduct a study on local coverage determinations (including the application of local medical review policies) under the medicare program under title XVIII of the Social Security Act. Such study shall examine—

(A) the consistency of the definitions used in such determinations;

(B) the types of evidence on which such determinations are based, including medical and scientific evidence;

(C) the advantages and disadvantages of local coverage decisionmaking, including the flexibility it offers for ensuring timely patient access to new medical technology for which data are still be collected;

(D) the manner in which the local coverage determination process is used to develop data needed for a national coverage determination, including the need for collection of such data within a protocol and informed consent by individuals entitled to benefits under part A of title XVIII of the Social Security Act, or enrolled under part B of such title, or both; and

(E) the advantages and disadvantages of maintaining local medicare contractor advisory committees that can advise on local coverage decisions based on an open, collaborative public process.

(2) REPORT.—Such arrangement shall provide that the Institute shall submit to the Secretary a report on such study by not later than 3 years after the date of the enactment of this Act. The Secretary shall promptly transmit a copy of such report to Congress.

(e) METHODS FOR DETERMINING PAYMENT BASIS FOR NEW LAB TESTS.—Section 1833(h) (42 U.S.C. 1395l(h)) is amended by adding at the end the following:

''(8)(A) The Secretary shall establish by regulation procedures for determining the basis for, and amount of, payment under this subsection for any clinical diagnostic laboratory test with respect to which a new or substantially revised HCPCS code is assigned on or after January 1, 2003 (in this paragraph referred to as 'new tests').

''(B) Determinations under subparagraph (A) shall be made only after the Secretary—

''(i) makes available to the public (through an Internet site and other appropriate mechanisms) a list that includes any such test for which establishment of a payment amount under this subsection is being considered for a year;

''(ii) on the same day such list is made available, causes to have published in the Federal Register notice of a meeting to receive comments and recommendations (and data on which recommendations are based) from the public on the appropriate basis under this subsection for establishing payment amounts for the tests on such list;

''(iii) not less than 30 days after publication of such notice convenes a meeting, that includes representatives of officials of the Centers for Medicare & Medicaid Services involved in determining payment amounts, to receive such comments and recommendations (and data on which the recommendations are based);

''(iv) taking into account the comments and recommendations (and accompanying data) received at such meeting, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of proposed determinations with respect to the appropriate basis for establishing a payment amount under this subsection for each such code, together with an explanation of the reasons for each such determination, the data on which the determinations are based, and a request for public written comments on the proposed determination; and

''(v) taking into account the comments received during the public comment period, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of final determinations of the payment amounts for such tests under this subsection, together with the rationale for each such determination, the data on which the determinations are based, and responses to comments and suggestions received from the public.

''(C) Under the procedures established pursuant to subparagraph (A), the Secretary shall—

''(i) set forth the criteria for making determinations under subparagraph (A); and

''(ii) make available to the public the data (other than proprietary data) considered in making such determinations.

''(D) The Secretary may convene such further public meetings to receive public comments on payment amounts for new tests under this subsection as the Secretary deems appropriate.

''(E) For purposes of this paragraph:

''(i) The term 'HCPCS' refers to the Health Care Procedure Coding System.

''(ii) A code shall be considered to be 'substantially revised' if there is a substantive change to the definition of the test or procedure to which the code applies (such as a new analyte or a new methodology for measuring an existing analyte-specific test).''.

SEC. 503. TREATMENT OF HOSPITALS FOR CERTAIN SERVICES UNDER MEDICARE SECONDARY PAYOR (MSP) PROVISIONS.

(a) IN GENERAL.—The Secretary shall not require a hospital (including a critical access hospital) to ask questions (or obtain information) relating to the application of section 1862(b) of the Social Security Act (relating to medicare secondary payor provisions) in the case of reference laboratory services described in subsection (b), if the Secretary does not impose such requirement in the case of such services furnished by an independent laboratory.

(b) REFERENCE LABORATORY SERVICES DESCRIBED.—Reference laboratory services described in this subsection are clinical laboratory diagnostic tests (or the interpretation of such tests, or both) furnished without a face-to-face encounter between the individual entitled to benefits under part A or enrolled under part B, or both, and the hospital involved and in which the hospital submits a claim only for such test or interpretation.

SEC. 504. EMTALA IMPROVEMENTS.

(a) PAYMENT FOR EMTALA-MANDATED SCREENING AND STABILIZATION SERVICES.—

(1) IN GENERAL.—Section 1862 (42 U.S.C. 1395y) is amended by inserting after subsection (c) the following new subsection:

''(d) For purposes of subsection (a)(1)(A), in the case of any item or service that is required to be provided pursuant to section 1867 to an individual who is entitled to benefits under this title, determinations as to whether the item or service is reasonable and necessary shall be made on the basis of the information available to the treating physician or practitioner (including the patient's presenting symptoms or complaint) at the time the item or service was ordered or furnished by the physician or practitioner (and not on the patient's principal diagnosis). When making such determinations with respect to such an item or service, the Secretary shall not consider the frequency with which the item or service was provided to the patient before or after the time of the admission or visit.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items and services furnished on or after January 1, 2002.

(b) NOTIFICATION OF PROVIDERS WHEN EMTALA INVESTIGATION CLOSED.—Section 1867(d) (42 U.S.C. 42 U.S.C. 1395dd(d)) is amended by adding at the end the following new paragraph:

''(4) NOTICE UPON CLOSING AN INVESTIGATION.—The Secretary shall establish a procedure to notify hospitals and physicians when an investigation under this section is closed.''.

(c) PRIOR REVIEW BY PEER REVIEW ORGANIZATIONS IN EMTALA CASES INVOLVING TERMINATION OF PARTICIPATION.—

(1) IN GENERAL.—Section 1867(d)(3) (42 U.S.C. 1395dd(d)(3)) is amended—

(A) in the first sentence, by inserting ''or in terminating a hospital's participation under this title'' after ''in imposing sanctions under paragraph (1)''; and

(B) by adding at the end the following new sentences: ''Except in the case in which a delay would jeopardize the health or safety of individuals, the Secretary shall also request such a review before making a compliance determination as part of the process of terminating a hospital's participation under this title for violations related to the appropriateness of a medical screening examination, stabilizing treatment, or an appropriate transfer as required by this section, and shall provide a period of 5 days for such review. The Secretary shall provide a copy of the report on the organization's report to the hospital or physician consistent with confidentiality requirements imposed on the organization under such part B.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to terminations of participation initiated on or after the date of the enactment of this Act.

SEC. 505. EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) TECHNICAL ADVISORY GROUP.

(a) ESTABLISHMENT.—The Secretary shall establish a Technical Advisory Group (in this section referred to as the ''Advisory Group'') to review issues related to the Emergency Medical Treatment and Active Labor Act (EMTALA) and its implementation. In this section, the term ''EMTALA'' refers to the provisions of section 1867 of the Social Security Act (42 U.S.C. 1395dd).

(b) MEMBERSHIP.—The Advisory Group shall be composed of 19 members, including the Administrator of the Centers for Medicare & Medicaid Services and the Inspector General of the Department of Health and Human Services and of which—

(1) 4 shall be representatives of hospitals, including at least one public hospital, that have experience with the application of EMTALA and at least 2 of which have not been cited for EMTALA violations;

(2) 7 shall be practicing physicians drawn from the fields of emergency medicine, cardiology or cardiothoracic surgery, orthopedic surgery, neurosurgery, pediatrics or a pediatric subspecialty, obstetrics-gynecology, and psychiatry, with not more than one physician from any particular field;

(3) 2 shall represent patients;

(4) 2 shall be staff involved in EMTALA investigations from different regional offices of the Centers for Medicare & Medicaid Services; and

(5) 1 shall be from a State survey office involved in EMTALA investigations and 1 shall be from a peer review organization, both of whom shall be from areas other than the regions represented under paragraph (4).

In selecting members described in paragraphs (1) through (3), the Secretary shall consider qualified individuals nominated by organizations representing providers and patients.

(c) GENERAL RESPONSIBILITIES.—The Advisory Group—

(1) shall review EMTALA regulations;

(2) may provide advice and recommendations to the Secretary with respect to those regulations and their application to hospitals and physicians;

(3) shall solicit comments and recommendations from hospitals, physicians, and the public regarding the implementation of such regulations; and

(4) may disseminate information on the application of such regulations to hospitals, physicians, and the public.

(d) ADMINISTRATIVE MATTERS.—

(1) CHAIRPERSON.—The members of the Advisory Group shall elect a member to serve as chairperson of the Advisory Group for the life of the Advisory Group.

(2) MEETINGS.—The Advisory Group shall first meet at the direction of the Secretary. The Advisory Group shall then meet twice per year and at such other times as the Advisory Group may provide.

(e) TERMINATION.—The Advisory Group shall terminate 30 months after the date of its first meeting.

(f) WAIVER OF ADMINISTRATIVE LIMITATION.—The Secretary shall establish the Advisory Group notwithstanding any limitation that may apply to the number of advisory committees that may be established (within the Department of Health and Human Services or otherwise).

SEC. 506. AUTHORIZING USE OF ARRANGEMENTS WITH OTHER HOSPICE PROGRAMS TO PROVIDE CORE HOSPICE SERVICES IN CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Section 1861(dd)(5) (42 U.S.C. 1395x(dd)(5)) is amended by adding at the end the following new subparagraph:

''(D) In extraordinary, exigent, or other non-routine circumstances, such as unanticipated periods of high patient loads, staffing shortages due to illness or other events, or temporary travel of a patient outside a hospice program's service area, a hospice program may enter into arrangements with another hospice program for the provision by that other program of services described in paragraph (2)(A)(ii)(I). The provisions of paragraph (2)(A)(ii)(II) shall apply with respect to the services provided under such arrangements.''.

(b) CONFORMING PAYMENT PROVISION.—Section 1814(i) (42 U.S.C. 1395f(i)) is amended by adding at the end the following new paragraph:

''(4) In the case of hospice care provided by a hospice program under arrangements under section 1861(dd)(5)(D) made by another hospice program, the hospice program that made the arrangements shall bill and be paid for the hospice care.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to hospice care provided on or after the date of the enactment of this Act.

SEC. 507. APPLICATION OF OSHA BLOODBORNE PATHOGENS STANDARD TO CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (R), by striking ''and'' at the end;

(B) in subparagraph (S), by striking the period at the end and inserting '', and''; and

(C) by inserting after subparagraph (S) the following new subparagraph:

''(T) in the case of hospitals that are not otherwise subject to the Occupational Safety and Health Act of 1970, to comply with the Bloodborne Pathogens standard under section 1910.1030 of title 29 of the Code of Federal Regulations (or as subsequently redesignated).''; and

(B) by adding at the end of subsection (b) the following new paragraph:

''(4)(A) A hospital that fails to comply with the requirement of subsection (a)(1)(T) (relating to the Bloodborne Pathogens standard) is subject to a civil money penalty in an amount described in subparagraph (B), but is not subject to termination of an agreement under this section.

''(B) The amount referred to in subparagraph (A) is an amount that is similar to the amount of civil penalties that may be imposed under section 17 of the Occupational Safety and Health Act of 1970 for a violation of the Bloodborne Pathogens standard referred to in subsection (a)(1)(T) by a hospital that is subject to the provisions of such Act.

''(C) A civil money penalty under this paragraph shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection (a) shall apply to hospitals as of July 1, 2002.

SEC. 508. ONE-YEAR DELAY IN LOCK IN PROCEDURES FOR MEDICARE+CHOICE PLANS; CHANGE IN MEDICARE+CHOICE REPORTING DEADLINES AND ANNUAL, COORDINATED ELECTION PERIOD FOR 2002.

(a) LOCK-IN DELAY.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended—

(1) in paragraph (2)(A), by striking ''THROUGH 2001'' and ''and 2001'' and inserting ''THROUGH 2002'' and ''2001, and 2002'', respectively;

(2) in paragraph (2)(B), by striking ''DURING 2002'' and inserting ''DURING 2003'';

(3) in paragraphs (2)(B)(i) and (2)(C)(i), by striking ''2002'' and inserting ''2003'' each place it appears;

(4) in paragraph (2)(D), by striking ''2001'' and inserting ''2002''; and

(5) in paragraph (4), by striking ''2002'' and inserting ''2003'' each place it appears.

(b) CHANGE IN DEADLINES AND ELECTION PERIOD.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) the deadline for submittal of information under section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)) for 2002 is changed from July 1, 2002, to the third Monday in September of 2002; and

(B) the annual, coordinated election period under section 1851(e)(3)(B) of such Act (42 U.S.C. 1395w–21(e)(3)(B)) with respect to 2003 shall be the period beginning on November 15, 2002, and ending on December 31, 2002.

(2) GAO STUDY ON IMPACT OF CHANGE ON BENEFICIARIES AND PLANS.—The Comptroller General of the United States shall conduct a review of the Medicare+Choice open enrollment process that occurred during 2001, including the offering of Medicare+Choice plans for 2002. By not later than May 31, 2002, the Comptroller General shall submit a report to Congress and the Secretary on such review. Such report shall include the following:

(A) An analysis of the effect of allowing additional time for the submittal of adjusted community rates and other data on the extent of participation of Medicare+Choice organizations and on the benefits offered under Medicare+Choice plans.

(B) An evaluation of the plan-specific information provided to beneficiaries, the timeliness of the receipt of such information, the adequacy of the duration of the open enrollment period, and relevant operational issues that arise as a result of the timing and duration of the open enrollment period, including any problems related to the provision services immediately following enrollment.

(C) The results of surveys of beneficiaries and Medicare+Choice organizations.

(D) Such recommendations regarding the appropriateness of the changes provided under paragraph (1) as the Comptroller General finds appropriate.

SEC. 509. BIPA-RELATED TECHNICAL AMENDMENTS AND CORRECTIONS.

(a) TECHNICAL AMENDMENTS RELATING TO ADVISORY COMMITTEE UNDER BIPA SECTION 522.—(1) Subsection (i) of section 1114 (42 U.S.C. 1314)—

(A) is transferred to section 1862 and added at the end of such section; and

(B) is redesignated as subsection (j).

(2) Section 1862 (42 U.S.C. 1395y) is amended—

(A) in the last sentence of subsection (a), by striking ''established under section 1114(f)''; and

(B) in subsection (j), as so transferred and redesignated—

(i) by striking ''under subsection (f)''; and

(ii) by striking ''section 1862(a)(1)'' and inserting ''subsection (a)(1)''.

(b) TERMINOLOGY CORRECTIONS.—(1) Section 1869(c)(3)(I)(ii) (42 U.S.C. 1395ff(c)(3)(I)(ii)), as amended by section 521 of BIPA, is amended—

(A) in subclause (III), by striking ''policy'' and inserting ''determination''; and

(B) in subclause (IV), by striking ''medical review —policies'' and inserting ''coverage determinations''.

(2) Section 1852(a)(2)(C) (42 U.S.C. 1395w–22(a)(2)(C)) is amended by striking ''policy'' and ''POLICY'' and inserting ''determination'' each place it appears and ''DETERMINATION'', respectively.

(c) REFERENCE CORRECTIONS.—Section 1869(f)(4) (42 U.S.C. 1395ff(f)(4)), as added by section 522 of BIPA, is amended—

(1) in subparagraph (A)(iv), by striking ''subclause –(I), (II), or (III)'' and inserting ''clause (i), (ii), or (iii)'';

(2) in subparagraph (B), by striking ''clause (i)(IV)'' –and ''clause (i)(III)'' and inserting ''subparagraph (A)(iv)'' and ''subparagraph (A)(iii)'', respectively; and

(3) in subparagraph (C), by striking ''clause (i)'', ''subclause (IV)'' and ''subparagraph (A)'' and inserting ''subparagraph (A)'', ''clause (iv)'' and ''paragraph (1)(A)'', respectively each place it appears.

(d) OTHER CORRECTIONS.—Effective as if included in the enactment of section 521(c) of BIPA, section 1154(e) (42 U.S.C. 1320c–3(e)) is amended by striking paragraph (5).

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall be effective as if included in the enactment of BIPA.

SEC. 510. CONFORMING AUTHORITY TO WAIVE A PROGRAM EXCLUSION.

The first sentence of section 1128(c)(3)(B) (42 U.S.C. 1320a–7(c)(3)(B)) is amended to read as follows: ''Subject to subparagraph (G), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be not less than five years, except that, upon the request of the administrator of a Federal health care program (as defined in section 1128B(f)) who determines that the exclusion would impose a hardship on individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, or both, the Secretary may waive the exclusion under subsection (a)(1), (a)(3), or (a)(4) with respect to that program in the case of an individual or entity that is the sole community physician or sole source of essential specialized services in a community.''.

SEC. 511. TREATMENT OF CERTAIN DENTAL CLAIMS.

(a) IN GENERAL.—Section 1862 (42 U.S.C. 1395y) is amended by inserting after subsection (c) the following new subsection:

''(d)(1) Subject to paragraph (2), a group health plan (as defined in subsection (a)(1)(A)(v)) providing supplemental or secondary coverage to individuals also entitled to services under this title shall not require a medicare claims determination under this title for dental benefits specifically excluded under subsection (a)(12) as a condition of making a claims determination for such benefits under the group health plan.

''(2) A group health plan may require a claims determination under this title in cases involving or appearing to involve inpatient dental hospital services or dental services expressly covered under this title pursuant to actions taken by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act.

SEC. 512. MISCELLANEOUS REPORTS, STUDIES, AND PUBLICATION REQUIREMENTS.

(a) GAO REPORTS ON THE PHYSICIAN COMPENSATION.—

(1) SUSTAINABLE GROWTH RATE AND UPDATES.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the appropriateness of the updates in the conversion factor under subsection (d)(3) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4), including the appropriateness of the sustainable growth rate formula under subsection (f) of such section for 2002 and succeeding years. Such report shall examine the stability and predictability of such updates and rate and alternatives for the use of such rate in the updates.

(2) PHYSICIAN COMPENSATION GENERALLY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all aspects of physician compensation for services furnished under title XVIII of the Social Security Act, and how those aspects interact and the effect on appropriate compensation for physician services. Such report shall review alternatives for the physician fee schedule under section 1848 of such title (42 U.S.C. 1395w–4).

(b) PROMPT SUBMISSION OF OVERDUE REPORTS ON PAYMENT AND UTILIZATION OF OUTPATIENT THERAPY SERVICES.—The Secretary shall submit to Congress as expeditiously as practicable the reports required under section 4541(d)(2) of the Balanced Budget Act of 1997 (relating to alternatives to a single annual dollar cap on outpatient therapy) and under section 221(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (relating to utilization patterns for outpatient therapy).

(c) ANNUAL PUBLICATION OF LIST OF NATIONAL COVERAGE DETERMINATIONS.—The Secretary shall provide, in an appropriate annual publication available to the public, a list of national coverage determinations made under title XVIII of the Social Security Act in the previous year and information on how to get more information with respect to such determinations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 10 minutes to the gentleman from Louisiana (Mr. TAUZIN), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Secretary Thompson said about Medicare, ''Complexity is over the system, criminalizing honest mistakes, and driving doctors, nurses, and other health care professionals out of the program.''

I agree.

Medicare and Medicaid are governed by 132,000 pages of regulations. That is 3 times the IRS Code and its regulations and the result is exactly as the Secretary described.

Memorial Hospital in Gonzales, Texas has 33 beds and 20 billing staff. Northwestern Memorial Hospital in Chicago just hired 26 new full-time employees to meet new regulatory requirements.

At a time when we need Medicare dollars for more nursing care, prescription drugs, annual physicals, and new systems to help seniors manage multiple chronic illnesses, we cannot in good conscience ignore the costly administrative burdens and the multitude of injustices being heaped on Medicare doctors, hospitals, home health care providers, nursing homes, and other providers by a literal explosion of complex law, regulation directives, and paperwork.

To address what I consider to be a crisis endangering the ability of small providers and many doctors to continue to serve our Nation's seniors, last January my subcommittee began taking a hard look at provider complaints. Today we bring to you a bipartisan bill to address the severe problems that have developed in Medicare.

The bill before us does many radical things. It disciplines the regulatory process so regulations will be issued through a predictable and timely process, with provider input before proposed regulations are made public.

Another radical thing it does, it stops, it prohibits government from imposing regulations retroactively. There will be no more changing the rules of the game and then punishing providers for noncompliance. It prohibits, read that ''stops,'' government from imposing sanctions and demanding repayment if they provided care to seniors in compliance with written guidance from the government. It speeds up the process Medicare uses to set payments for new diagnostic and treatment technologies by creating a Council of Technology and Innovation. It requires a simple process to correct technical error, relieving our caregivers of all the paperwork and severe cash flow problems that result from the laborious appeals process, a killer of small providers.

Radically, we require through this bill that the people who process payments for Medicare services answer questions accurately. GAO found that these contractors answered only 15 percent of routine questions accurately, and, worse yet, 32 percent of provider questions were answered completely inaccurately.

By setting performance standards in competitive contracting, Medicare can assure better-quality provider support services.

Under this bill, doctors get fairer treatment when audited for billing inaccuracy. They will get explanations, the right to discuss coding differences, and written explanations when differences remain. This should stop the arbitrary decisions that result in tens of thousands of dollars of unjust fines.

When a physician who is responsible for running the Medicare program tells me she cannot tell the difference between a comprehensive physical and a detailed physical, two entirely different levels of care for billing purposes, should we be surprised that doctors who make coding errors are frustrated and angered by Medicare's arbitrary, confrontational audits by nonmedical people and its complex, irrational documentation requirements?

□ 1700

I am proud that this is a bipartisan bill. It has been developed with the study and input of every member of the Ways and Means Subcommittee on Health, and then the follow-on input of the Committee on Energy and Commerce, Republicans and Democrats, as well as the administration and the Inspector General.

I want to especially thank John McManus, Jennifer Baxendell, Deborah

Williams, Joel White, Cybele Bjorklund and Carl Taylor, our Republican and Democratic staff members of the Committee on Ways and Means, because this has been an incredibly time-consuming, work-intensive bill. Without their endless attention to detail and thoughtful, sound judgments, it would not be before us today.

Please support H.R. 3391. It is a giant step toward a stronger Medicare program.

THANK YOUS ON H.R. 3391

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DEPT. OF HEALTH AND HUMAN SERVICES

Staff.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I ask unanimous consent that at the conclusion of 10 minutes of my time that 10 minutes be yielded to the gentleman from Ohio (Mr. BROWN) for the purposes of control.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

The bill we are moving today embodies basically the way Congress used to work, with the majority and minority working together to enact improvements to the Medicare program. On this bill, the Medicare Regulatory and Contracting Reform Act, both sides have worked closely with the administration, with providers, consumers groups and others. It has been a bipartisan, consultative process as it should be.

In addition, Mr. Speaker, I think it is important to acknowledge the outstanding leadership and hard work of the gentlewoman from Nevada (Ms. BERKLEY). She brought this matter to the attention of Congress and has shepherded it along the way and has been an invaluable help in seeing this legislation be completed.

The legislation contains important beneficiary provisions which I think are important to emphasize. We have established a beneficiary ombudsman program that will provide a voice for beneficiaries within the Centers for Medicare and Medicaid Services, now CMS, I still want to call it HCFA, but will enable that agency to better respond to and anticipate beneficiary needs. As every Member knows, Members must now help Medicare beneficiaries with their casework because no office really exists within CMS to help the beneficiaries.

We have also established a single national toll free telephone number, 1–800–MEDICARE, I hope it answers, for the beneficiaries to call with their questions; and this single telephone number will replace the many pages of telephone numbers that beneficiaries now must sort through in the Medicare handbook to find the correct place to call with their questions.

I am particularly pleased that a demonstration program will place Medicare staff in Social Security field offices to answer beneficiary questions and provide assistance on Medicare issues. Beneficiaries are accustomed to going to Social Security offices, as indeed are the caseworkers in our local offices, for help and assistance in these programs. This will help by having Medicare assistance for them in these same offices.

I would also like to suggest accolades for the gentleman from Pennsylvania (Mr. ENGLISH), who has worked with me on a bill to protect nurses and other health care workers from needle stick injuries by requiring the use of safe needle technology in public hospitals, as well as has been required by those hospitals under OSHA supervision. We have been working on this issue for years, and we have made significant progress; and this legislation completes those efforts, and this provision in the bill will save lives. It is an important component of the bill.

Importantly, this bill delays for a year the requirement in law that would begin in 2002 to lock beneficiaries into the Medicare+Choice plans, and under this legislation beneficiaries would continue to be able to enroll in and disenroll from these plans throughout the year. I would strongly prefer to repeal the lock-in altogether, but I believe a 1-year delay is a good start.

Finally, the bill takes long overdue steps to fundamentally reform Medicare's contracting system. We have worked on this for years. I am confident under this new system we can get a better deal for our government and still maintain quality service and performance goals for the beneficiary.

This will place additional administrative burdens on CMS; and as we discussed earlier today with the gentleman from Ohio (Mr. HOBSON) and others, we will continue to see that Labor HHS appropriation bills provide modest increases in administrative resources for CMS to complete this work.

I guess that said, Mr. Speaker, I have to add that I think it is somewhat disgraceful that this ends up being our really only Medicare legislation this year. We started the 107th Congress with a record budget surplus and the ability to easily enact and pay for comprehensive, affordable prescription drug coverage and other significant improvements through all Medicare beneficiaries, in addition to funding other key national priorities in education and other social areas.

The surplus, instead, was squandered on excessive tax breaks for the wealthy, and it is now clear that the Bush recession that began last spring and the Republican tax package have sealed the deal. Our legislative record at the end of the first session of the 107th Congress is a tribute to misplaced priorities.

I look forward to changing that and working with my colleagues as we have on this bill on the Subcommittee on Health to see if in the next session of Congress we can reverse this course and improve the Medicare system as it has long been set aside from doing.

Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my privilege to yield 1½ minutes to the gentlewoman from Washington (Ms. DUNN), a hardworking member of our subcommittee.

Ms. DUNN. Mr. Speaker, I rise in support of this bill to provide regulatory relief to doctors throughout the Nation. I want to thank the gentleman from California (Mr. THOMAS) for being involved in developing this legislation; but I want to give special kudos to the gentlewoman from Connecticut (Mrs. JOHNSON), the subcommittee chairman, and the gentleman from California (Mr. STARK), her ranking member, because they worked together. This is bipartisan and we are very pleased with the result of our work. It will cost nothing, but it does true regulatory reform.

I also want to thank my colleagues, the gentleman from Maryland (Mr. EHRLICH) and the gentleman from Washington (Mr. MCDERMOTT), for working with me to ensure that in this bill our seniors have access to the latest clinical laboratory tests.

I am very pleased that this regulatory relief bill creates a transparent, timely and public process at CMS to evaluate and to incorporate new technologies into the Medicare program. This is a critical step in ensuring that doctors have every tool available to assist our seniors.

Medical innovations are moving too fast to wait for Medicare's coverage and payments. This is especially true for new laboratory tests, a field that has been rapidly advancing in innovations exponentially.

The quality of our health care system here in the United States depends on our ability to prevent, diagnose, and treat illnesses and diseases. Support this legislation so that our Nation's seniors will be able to access breakthrough tests that can help save their lives.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY), who is one of the originators of this legislation.

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of H.R. 3391, to

provide long-awaited Medicare regulatory relief to health care providers. I would like to particularly thank my colleagues who have worked so hard to make this piece of legislation a reality, the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from California (Mr. STARK), especially for his very generous praise, I appreciate that; the gentleman from Ohio (Mr. BROWN); the gentleman from Florida (Mr. BILIRAKIS); the gentleman from New York (Mr. RANGEL); the gentleman from California (Mr. THOMAS); the gentleman from Louisiana (Mr. TAUZIN); and the gentleman from Michigan (Mr. DINGELL) for their hard work on this legislation. I would especially like to thank the gentleman from Pennsylvania (Mr. TOOMEY) for his leadership on this issue.

I became involved with this legislation when doctor after doctor in the Las Vegas area came to me with horror stories of how they had been treated by HCFA and how it had inhibited their ability to care for their patients. The cornerstone of health care in this country is the doctor-patient relationship, and many of us have fought consistently to maintain the integrity of this fundamental and very personal relationship.

Over the years, excessive paperwork and overburdensome government regulation have interfered with that relationship. This legislation will help cut red tape and bureaucratic excesses so doctors can spend more time with their patients and less time on paperwork.

Reform is important to the doctors, important to our seniors, and vital to the health of Medicare. While this bill, as the gentleman from California (Mr. STARK) says, does not include everything I had hoped for, it is a very significant step in the right direction. I am proud that my name is associated with this bill, and I urge all of my colleagues to support it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Pennsylvania (Mr. TOOMEY), who is going to speak later, for their hard work on behalf of physicians, most of which is reflected in this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3391. This legislation makes extensive changes and modifications in the regulatory and contracting systems within Medicare, and I commend the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from California (Mr. STARK) for their work on this measure.

Along with many of our colleagues, I have heard in recent years that increasing drumbeat of criticism, from health care providers and patients in my own district, over a cumbersome Medicare system that was slow to adapt to rapid changes in health care, cumbersome in its management of existing benefits, and required far too much time spent in processing paperwork for claims reimbursements.

Moreover, there is also a widespread perception that the Centers for Medicare and Medicaid Services, formerly known as HCFA, has in the past issued new regulations in an arbitrary and capricious manner, with little regard for the interests and situations of those health care providers who would be impacted by a regulatory change. The fact that many of these changes came without sufficient accompanying explanations further exacerbated problems for providers and patients who often have difficulty divining the arcane and often confusing world of Medicare regulations.

There is also the issue of the Medicare contracting program which, in this age of open government, remains a closed system. This has fostered inefficiency and prevented the Medicare contracting program from keeping up with rapid developments in the delivery of health care in the private sector.

H.R. 3391 is a bipartisan solution to address these problems and to serve as the first step in modernizing overhaul of the Medicare system, which streamlines the regulatory process, reforms the contracting system to make it more open and accountable, expanding outreach and education to better inform both providers and patients of their rights and responsibilities, and makes important improvements to the appeals and recovery process.

Mr. Speaker, Medicare, along with the Social Security system, represents the most popular and successful program for seniors ever enacted. This bill will ensure the continued success of the system by making it easier for Medicare health care providers to operate within the system, as well as to offer relief through the reduction of paperwork burdens.

This measure will both reform the Medicare system and improve confidence in its future on the part of both providers and patients. Accordingly, I urge my colleagues to fully join in supporting this measure.

Mr. STARK. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN), who has worked diligently on this legislation in behalf of all the seniors, most of whom I think reside in her district in Florida, but for all of the rest of us seniors who do not.

Mrs. THURMAN. Mr. Speaker, I want to thank the gentleman from California (Mr. STARK) for yielding me this time and those nice remarks, but I also want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN). Without their diligence and all of the committees working together, this piece of legislation would not have been brought forward to this floor.

People sometimes do not realize how complicated Medicare can be at times; and when one is trying to balance beneficiaries and the doctors and the contractors, sometimes we have to work through some very difficult situations.

I will tell my colleagues that in talking with my doctors in the fifth district, one of the things that I heard over and over again was the sheer volume and complexity of the Medicare regulations and what it has meant to them. Most of what it means to them is they do not have the time to spend with their patients because they are spending so much time on the complexities.

Another issue that I think is very important about this is that these doctors also tell me, in talking with their staffs and their offices, that their administrative expenses can represent as much as 25 percent of their cost. That means, again, the cost to Medicare and the dollars that we have available is not being spent on the patient, but on administrative costs. So hiring an extra person, doing something more for the patient can sometimes cause a problem.

In seeing that in this piece of legislation, one of the things that we fought very hard for and I think is going to be a wonderful opportunity for us to look at in the future is the demonstration program that we provided to on-site technical assistance for doctors to help with the complexity of Medicare coding.

□ 1715

We heard an awful lot about that. So this was an issue we thought put them on site, they get the opportunity to really sit down with folks and figure out where their problems might be.

Then I also want to thank the gentleman from Minnesota (Mr. RAMSTAD) for his leadership on a piece of legislation that he and I introduced for a couple of years in a row dealing with technology. And so what we have done in this bill is we have actually set up a Council for Technology and Innovation within CMS. This council will have an executive coordinator who acts as a single point of contact between CMS and outside entities to help explain coverage, coding, and payment questions about new and innovative technologies.

We are all very proud of what happens in this country with innovation. So I would just like to take this opportunity to thank all, and our staffs, that were involved in this, and ask for my colleagues' support for this bill.

Mr. STARK. Mr. Speaker, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I conclude by thanking the gentleman from California for his

cooperation throughout this long process, and our joint efforts, and also his staff, as I did earlier. They have worked very, very long hours on this.

And I would like to say that this bill is only the beginning of strengthening Medicare. The administration is organizing task forces with real-world providers on them to rethink the most time consuming forms that health care providers have to fill out. If we can collect only the data we need, streamline and simplify billing systems and administrative processes, we can literally free millions of hours of caregiver time for the benefit of our seniors. It will take the leadership of Secretary Thompson and Administrator Scully, and it will take long hearings and attention to detail next year and the year after, working together, our committee and the Committee on Energy and Commerce.

Together, we can make Medicare a model of smart, responsive government and reverse the belief expressed by so many in our hearings, but summed up by a doctor who said, ''Medicare has lost a sense of fairness, due process and common sense.'' We intend to restore those qualities to the most beloved and important program in our Nation not just for seniors but for their children and grandchildren as well.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume, and I rise today in strong support of H.R. 3391, the Medicare Regulatory Contracting Reform Act of 2001.

The bill captures the best of two bills. The legislation reported out of the Committee on Ways and Means, and H.R. 3046, the Medicare RACER Act, which was reported from the Committee on Energy and Commerce. It represents the diligent work of the many Members of Congress to make the Medicare program more flexible and less bureaucratic. It is also a shining example of what can be achieved when we have true bipartisan cooperation.

Earlier this year, the Committee on Energy and Commerce began a project we called ''patients first.'' The idea was indeed to try to see if we could not reform the regulations and the burdens at CMS to indeed put patients first; to make sure that physicians and health care providers, who are forced to spend too much time filling out forms and trying to learn the rules of the road and the changing rules of the road, might in fact get some relief.

Our committee held a number of hearings and we disseminated surveys to elicit input from beneficiaries and health care providers about the complexities of the Medicare program and its rules. We also brought together beneficiary groups, provider associations, and government officials to talk about regulatory relief.

Because of the leadership particularly of the gentleman from Pennsylvania (Mr. TOOMEY) and the gentlewoman from Nevada (Ms. BERKLEY), we are standing here today with an opportunity to vote on legislation that will enable doctors to spend more of their time caring for patients, putting patients first, and putting in less time completing paperwork for the government and bureaucrats.

The Toomey-Berkley Medicare RACER Act was successfully reported from the Subcommittee on Health, thanks to the dedication and commitment of the chairman, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Georgia (Mr. NORWOOD). It was also successfully reported out of the full Committee on Energy and Commerce. It requires contractors to provide general written responses to written inquiries from beneficiaries and health care providers within 45 business days, and it requires Medicare contractors to notify health care providers of problems that have been identified in a probe sample, and to alert providers as to the steps they should take to resolve the problems.

Each of these improvements is significant and each of them has been included in the bill we are about to vote on today. And I wish to thank my colleagues from the Committee on Ways and Means for working so well with the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentleman from Michigan (Mr. DINGELL), and myself to consolidate the work of our two committees. Lord knows, we need to thank the staff who put in hours and hours and hours, late nights and weekends, to bring all this together.

We worked to strike an appropriate balance between the need for regulatory relief and the government's obligation to protect taxpayer funds from waste, fraud, and abuse. This captures the hard work of both committees. It has broad support with the beneficiary groups, the health care community and, by the way, the administration.

I urge my colleagues to join us in full support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues both on the Committee on Ways and Means and the Committee on Energy and Commerce in support of H.R. 3391. I want to thank my colleagues, the gentleman from Pennsylvania (Mr. TOOMEY) and the gentlewoman from Nevada (Ms. BERKLEY) for taking on this daunting task. In a resource-limited environment, they were determined to identify reforms in Medicare operations that serve the best interests of beneficiaries and respond to a host of legitimate issues raised by providers, while making sure to in no way compromise the program's efforts to fight fraud, waste and abuse. It is a tall order and the gentleman from Pennsylvania and the gentlewoman from Nevada did an excellent job.

This bipartisan legislation was a collective effort, to say the least. It was written and rewritten and rewritten with the input of the health care community, consumer advocates, the committees of jurisdiction, and the administration. It took months, it took difficult compromises, but the final product will make a tangible, positive difference for beneficiaries and providers alike.

Key provisions of the bill bolster communications between and among the Medicare program and its beneficiaries and providers, improve the Medicare appeals process, and establish new performance standards for Medicare contractors.

No one is well served when providers either cannot get the information they need or coverage policies are unclear, or anti-fraud and abuse measures elicit such mistrust that providers second-guess every treatment decision. This legislation takes those issues seriously and does something about them. Importantly, the bill also provides and improves Medicare responsiveness to its 39 million beneficiaries.

I want to thank my colleagues, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Michigan (Mr. DINGELL) especially, and staff members Bridgett Taylor, Karen Folk, Amy Hall, and on my staff, Katie Porter and Ellie Dehoney for fighting tooth and nail to ensure this legislation, in effect, keeps our eye on the ball. They made sure the bill contains provisions that relate directly to Medicare's fundamental mission, to make sure seniors and disabled individuals receive the care that they need.

Thanks largely to their resolve and hard work, this legislation ensures that seniors know definitively and up front whether Medicare covers the health care their doctor recommends. Especially for low-income seniors, that is a crucial and overdue change in Medicare rules, and I appreciate the negotiated work that we all could do on that issue.

The Medicare fee-for-service program is the largest insurance program in the United States, serving 36 million Americans, contracting with almost 1 million providers. Recent surveys document what most of us know from speaking with our constituents; that is, an overwhelming majority of Medicare beneficiaries trust in and are very satisfied with their coverage under fee-for-service Medicare.

Americans overwhelmingly oppose Republican efforts to privatize this system, Americans overwhelmingly reject Republican efforts to allow more insurance company intrusion into fee-for-service Medicare, and Americans overwhelmingly want prescription drug coverage, an area where this Congress and the Bush administration have so far failed miserably to achieve. But since that level of trust and satisfaction the people in this country have for Medicare is a fundamental measure of this program's success, changing the

Medicare rules was a high-stakes exercise that we, bipartisanly, were able to achieve.

I am confident that the changes encompassed in this bill are in the best interest of beneficiaries, most importantly; also to providers and taxpayers, and I encourage my colleagues to support it.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the distinguished chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I too rise today in support of patients. The legislation before us is good for patients. By reducing regulatory burdens and easing paperwork requirements, this legislation allows doctors to spend more of their time providing health care and less of their time wading through pages over rules and regulations.

At the beginning of this session, the Committee on Energy and Commerce launched an ambitious bipartisan initiative to reform the Centers for Medicare and Medicaid Services and to put patients first. This initiative became known as the ''patients first'' project. Much of the legislation before us today stems from the committee's work on this project, which was led by my colleague, the gentleman from Georgia (Mr. NORWOOD). Foundational to this work was the prior work of the gentleman from Pennsylvania (Mr. TOOMEY) and the gentlewoman from Nevada (Ms. BERKLEY).

The bill we will vote on today includes many of the provisions of the Medicare RACER Act, which was favorably reported out of my Subcommittee on Health as well as the full Committee on Energy and Commerce last month. It includes improvements focused on the Emergency Medical Treatment and Labor Act. Also included in the legislation is important language regarding advanced beneficiary notices. This language allows physicians to find out whether a specific physician service they are providing will be covered by Medicare before delivering the care.

Mr. Speaker, I would like to thank all of the staff who put so much time into this legislation, especially Erin Kuhls, Julie Corcoran, Nandan Kenkeremath, Pat Morriset, Anne Esposito, Steve Tilton, Karen Folk, Amy Hall, and, of course, last but not least, Karen Taylor.

H.R. 3391 is good for patients and providers alike, and I encourage my fellow colleagues to vote in favor of this legislation today.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on the Committee on Energy and Commerce that was here and presided over this House when Medicare was passed in 1965.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding me this time, and I rise today to speak in favor of H.R. 3391, the Medicare Regulatory and Contracting Reform Act of 2001. I rise also to praise my colleagues on the committee, the distinguished chairman of the committee, the distinguished chairman of the subcommittee, and my good friend, the gentleman from Ohio, Mr. BROWN and others, including the very fine staffs on both sides of the aisle that worked so hard.

The legislation is a product of bipartisan collaboration between two great committees, the Committee on Energy and Commerce and the Committee on Ways and Means, and also with seniors' groups, providers, and others. This is a bill which is fair. It strikes a balance between addressing the program administration concerns of beneficiaries and providers and ensuring integrity of the program itself.

This legislation makes a number of wise improvements in the Medicare program. It gives the Centers for Medicare and Medicaid Services, CMS, additional flexibility with claims processors. It also strengthens the independent standards for appeals. It entitles the beneficiaries and the reviewers to ensure independent appeals are really independent, are fair, and in fact take place.

I do wish again to commend my friend, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the staff at CMS, as well as my good friend the gentleman from Ohio, for their work on this, and also our friends on the Committee on Ways and Means and the majority and minority staff of both committees for the work they have done.

In addition to strengthening the requirements for organizations that will be reviewing appeals, we have improved upon notices that beneficiaries receive when a service is denied, making this situation more user friendly and understandable to beneficiaries who are most often in their later years. More importantly, we have developed a process where seniors can learn whether or not a particular item and service is covered under Medicare before they are financially committed to that service, something which is not presently the case and which creates immense hardship either by denying benefits or imposing unanticipated costs on senior citizens on fixed and limited incomes.

Currently the only way a senior can find out if Medicare covers an item or a service is to potentially risk thousands of his or her dollars by getting the service and then pray Medicare will pay the claim. Obviously, this is unfair, and many seniors choose not to get a service rather than take a chance that Medicare will not cover it. This legislation fixes this, a situation which is clearly unjust. And while the provision as it stands now is limited only to physician service in order to meet scoring requirements, I hope, and I intend that in the future we will give the beneficiaries this right for all Medicare services.

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Mr. Speaker, I urge my colleagues to support the bill. Medicare is the most socially successful and valuable program of this day. The program works for beneficiaries and providers alike, but we must ensure that it continues to be a success. The Medicare Regulatory and Contracting Reform Act will do just that.

More remains to be done, and I look forward to working with the same fine colleagues that I did to bring this about. The Medicare legislation that we have before us ensures that Medicare fee for services will continue to serve beneficiaries, and it will cause further approval and satisfaction with one of our great legislative accomplishments, Medicare.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), the author of this legislation, who, together with the gentlewoman from Nevada (Ms. BERKLEY), put together 240 co-sponsors.

(Mr. TOOMEY asked and was given permission to revise and extend his remarks.)

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me the time and also thank the gentleman for recognizing my efforts in the area of Medicare regulatory reform and for inviting me to join in with the Committee on Energy and Commerce in developing this terrific compromise legislation.

Since my first term in Congress, I have been working on Medicare regulatory reform to help alleviate some of the burdens that the health care providers carry when dealing with Medicare's bureaucracy. We need to give health care providers due process rights so they are not treated like criminals when they make honest mistakes. We need to make billing procedures easier for providers to understand and comply with and reduce the huge volume of paperwork that staff have to contend with.

This is important so health care providers can spend more time caring for their patients and less time dealing with bureaucracy. This bill addresses these problems. It is a step in the right direction, but it is a modest step. We need to do more. For instance, we need profound Medicare reform. As long as we have a Medicare bureaucracy that enumerates, regulates, and prices every conceivable medical procedure, we will continue to have enormous costs and inefficiencies in complying with these staggering regulations. But we cannot wait until we fully overhaul Medicare to provide the significant regulatory relief of this bill.

Mr. Speaker, I thank my colleagues who made this bill possible: the gentlewoman from Nevada (Ms. BERKLEY), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from California (Mr. STARK), the gentleman

from California (Chairman THOMAS), the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN).

I also thank some staff members, Gary Blank, formerly of my staff, Kelly Weiss, currently with my staff, and Pat Morrisey of the commerce staff, in particular.

Mr. Speaker, we take a big step forward today. I hope the same combination of the bipartisan group that worked on this bill can come back next year and do more work for health care providers and for their patients; but in the meantime, I urge my colleagues to pass H.R. 3391 and give the health care community some of the regulatory relief that they need and deserve.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the Medicare Regulatory and Contracting Reform Act. The legislation makes a number of important changes to the way that Medicare does business, and it comes not a second too late.

For years we have been hearing from doctors and providers who complain that they are spending more time dealing with Medicare paperwork than they are treating patients. They express frustration where simple mistakes escalated into full-fledged investigations, where well-intentioned providers were penalized and accused of defrauding the system, and insufficient appeals process made it difficult for providers to make their case. Many are ready to stop treating Medicare patients altogether.

The Committee on Energy and Commerce passed legislation earlier this year that addresses many of these issues and would have made improvements in the Medicare system. Working with the Committee on Ways and Means, we were able to come up with a consensus bill that addressed the problem and makes the Medicare program more navigable for our Medicare providers. This legislation streamlines key Medicare processes so that providers are not trapped in a maze of confusing regulations.

It improves provider information and education so that doctors know who to call and what to do when they have trouble with a claim. The legislation also reforms the contracting system by giving the Secretary greater flexibility in selecting contractors, assigning contractor functions, and permitting competitive contracting.

There are many significant changes in the bill that will improve the Medicare system for providers and beneficiaries alike, and I support the legislation. I urge my colleagues to support this legislation.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise today in strong support of H.R. 3391. I commend it to all Members of this body, and I hope every Member will vote for this bill. No doubt the outcome of this vote will be noted by the body across the way, and it is important that we vote for something that is needed so badly.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN). And a great deal of credit and thanks should go to the Committee on Ways and Means, especially to the gentlewoman from Connecticut (Mrs. JOHNSON). On the commerce staff, I thank Pat Morrisey. He put up with a lot to get us here, and Erin Kuhls, Julie Corcoran, and Bridgett Taylor. They worked so hard to get us to where we are today.

Many Members have mentioned the good things that are in this bill. There are a lot of good things. I particularly would like to highlight the benefit that will be made available to patients for them to actually know if Medicare will cover a benefit that is a covered benefit. That is called preauthorization or predetermination, and probably in the end there is not much more in this bill that will be more important to the quality of care for Medicare patients to actually get treated.

But I note, as the gentlewoman from Connecticut (Mrs. JOHNSON) has said, that this is a first step. I hope we will all recognize that, and I would like to have a colloquy with the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Florida (Mr. BILIRAKIS); and I will ask both the question at the same time.

Although many good things have been done in this bill, this is a first step and I want to be part of working these two committees together next year and I would like to hear from both Members. Can we plan to move forward next year?

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. NORWOOD. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I can guarantee the gentleman that we will work together next year. We learned a lot this year. We solved some problems that we can understand. We laid aside what we could not understand. There is lots more work to be done to make Medicare a smart and efficient program.

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, as the gentleman knows because he was in the room last week, I put my life on the line in terms of a question that was asked, and the gentleman from Louisiana (Chairman TAUZIN) did, too; not the chairman's life, my life, on the line.

I will not go quite that far this time around, but I feel very strongly that this is a first step. There is a tremendous amount of work to be done.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a provision that many have spoken of already that actually was something that I brought up and proved to be one of the more difficult things to work out between the two committees and that was on the predetermination of benefits.

As a physician in the earlier 1990s when I was taking care of Medicare patients, sometimes we would do a procedure where it might or might not be considered medically necessary by Medicare. All that we wanted was to know whether Medicare would cover this or not. So at that time the data could be gathered together, send in the physical exam and tests, and Medicare would give their opinion. Then they stopped doing that. I think it scared a lot of patients from not having medically necessary procedures.

Mr. Speaker, that has been worked out in this bill. I thank the members of both committees and both parties for working on this. I think this will be a big improvement for patients.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in support of the Medicare Regulatory and Contracting Reform Act. I would like to express my appreciation to the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Ohio (Mr. BROWN) for their assistance in working on the concern of dentists who often file Medicare claims even though the dental services are not covered by Medicare.

The provision in the bill seeks to help reduce the paperwork burden on dentists and expedite payment for services from appropriate sources of that payment. In addition, I am grateful that language can be worked out that will assist the medical device manufacturing community, enhancing the communications and cooperation between the Food and Drug Administration and the Centers for Medicare and Medicaid Services. This is an excellent bill, and I urge its passage.

Mr. CRANE. Mr. Speaker, I rise today in support of the Medicare Regulatory and Contracting Reform Act of 2001. This bipartisan legislation is the product of months of negotiations with the Center for Medicare and Medicaid Services (CMS), Medicare providers, beneficiaries, and the House Committees on Ways and Means and Energy and Commerce.

This legislation is a first step in ensuring that the Medicare program delivers quality care to Medicare beneficiaries. Today, the

Medicare program has more that 110,000 pages of regulations governing it. This bill begins to finally address how to hold CMS accountable for its regulations and the costs they impose.

The Medicare Regulatory and Contracting Reform Act creates a more collaborative, less confrontational relationship between providers and CMS. It takes steps to decrease the amount of complex and technical paperwork that is currently required so that providers will be able to spend more time delivering care to patients rather than filling out and filing federal forms. Finally, H.R. 3391 streamlines the regulatory process, enhances education and technical assistance for Medicare providers.

I was also pleased to see inclusion of a provision to prohibit group health plans from requiring a Medicare claims determination for dental benefits that are specifically excluded from Medicare coverage as a condition of making a determination for coverage under the group health plan. This requirement to me does not serve any purpose other than the filing of needless paperwork and further delay payment to the dental provider. This provision ensures that dentists do not have to submit claims to the Medicare program (and thus enroll in the Medicare program) when the services they are providing are clearly those that are categorically excluded from coverage.

I urge my colleagues to join me in support of this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3391, the Medicare Regulatory and Contracting Reform Act. As a physician in private practice for more than 20 years, I wholeheartedly applaud the work of the Ways and Means Committee and the Energy and Commerce Committee in moving legislation which lifts many of the burdens placed on physicians by the Medicare program and allow us to put our patients first.

Mr. Speaker, I can't tell you the number of times over the four and a half years that I have been a member of this body that I have heard horror stories from providers in my district regarding the cumbersome and burdensome Medicare billing process. They only serve to remind me of my personal experience in over 21 years of practice. Whether it is undue delays in receiving payments or repeatedly questioning information that was already provided, the current Medicare system treats physicians as suspects and requires that we spend nearly half of our time on needless paper work. It further makes hard working providers the first targets for fee reductions, repudiating their long years of training and hard work.

I applaud the authors of this legislation, Congresswoman NANCY JOHNSON and PETE STARK of the Ways and Means Committee, as well as Representatives BILIRAKIS, SHERROD BROWN, BILLY TAUZIN and my friend JOHN DINGELL for their support of doctors and the patients that they serve. Indeed, Mr. Speaker, no less than the General Accounting Office documented the statements that I can personally attest to regarding the difficulties of dealing with the Medicare program, pointing out that Medicare is a complicated program requiring endless directives and long explanations and articles which are necessary to explain facet after facet.

I urge my colleagues to support this badly needed bill which is but a first step in addressing what are myriad problems with this important health insurance program.

Mr. SHADEGG. Mr. Speaker, I rise today to support the Medicare Regulatory and Contracting Reform Act. Since I have been in Congress, I have constantly heard from hospitals and physicians about the guessing game they must play in order to be compliant with Medicare regulations. The paperwork that providers must complete both for private insurance and for Medicare is overwhelming them. Where twenty years ago, it was uncommon to have more than one administrative person working in a physician's office, today it seems to be the norm to have multiple employees handling claims. Like a punch-drunk fighter, our nation's health care providers are dizzy from the barrage of notices, guidance, and issuances from Medicare describing ever-changing policies and regulations. Worse yet, many of these providers approach the billing process with trepidation. Fearful that they may be audited or have payments withheld, many physicians downcode so as to reduce their potential exposure even though they legitimately deserve reimbursement for a higher code. Moreover, a simple, honest mistake, providers fear, will result in harsh penalties and send them into a regulatory spiral, thus taking them away from their patients. This is one of the reasons I was a cosponsor of the Medicare Education and Regulatory Fairness Act and support the bill on the floor today. H.R. 3391 provides important reforms of the Medicare system to streamline Medicare's regulatory process, ease paperwork burdens, and improve Medicare's responsiveness to beneficiaries and health care providers.

I am particularly pleased that H.R. 3391 includes provisions aimed at improving the functioning of the Emergency Medical Treatment and Active Labor Act, better known as EMTALA. While a well-intended provision to ensure that patients coming to hospital emergency departments are not shipped from hospital to hospital or ''dumped,'' EMTALA is now serving as an impediment to hospital emergency department access, the exact opposite of what the original legislation was intended to do. The provisions I included at the Full Committee markup include recreating the EMTALA task force, something suggested not only in the January 2001 Inspector General's report, but also in the June 2001 GAO report. Physicians and providers are crying out for clarification and guidance on how to comply with the myriad, confusing EMTALA regulations and this task force will be charged to work synergistically to make the regulations manageable. In addition, the bill on the floor today implements another suggestion from the Inspector General, mandatory peer review organization. Under current law, a peer review organization must review any EMTALA deficiency or violation involving medical treatment before a civil monetary penalty can be levied, but the same does not apply to those providers facing removal from the Medicare program. The Medicare Regulatory and Contracting Reform Act will restore equity by requiring PRO review in the Medicare conditions of participation. Last, the bill will require the Centers for Medicare and Medicaid Services to notify providers directly when an EMTALA investigation is closed.

Mr. Speaker, these are important provisions to address a complex situation—emergency department overcrowding—and I thank Chairman TAUZIN for working with me in Committee as well as members of the Ways and Means Committee as we merged the two committee bills.

Mr. UPTON. Mr. Speaker, on behalf of all of the physicians and other health professionals in my District who provide care to Medicare beneficiaries and on behalf of the beneficiaries themselves, I rise to express my strong support for H.R. 3391, the Medicare Regulatory and Contracting Reform Act of 2001. I am honored to be an original cosponsor of this bipartisan, common-sense bill that will provide much-needed regulatory relief and greater program fairness, clarity, and transparency.

From what I have been hearing for years now in my meetings with Medicare beneficiaries and health care providers across my District, the current program is simply not working well. Beneficiaries and health professionals often don't know if services will be covered, leading some beneficiaries to forgo needed care. It can take months—and mounds of paperwork—just to get paid for health care services. I've seen the inch-thick paperwork that can be required just to document one claim.

Doctors and other health professionals feel that they are practicing with a sword over their heads. The rules and regulations are so complex that the Medicare intermediaries and carriers all too often give conflicting advice and guidance. Regulations and guidance change so frequently that it is difficult to know what the rules are at any one time, and what they will be tomorrow. Making a simple mistake in coding or misunderstanding a program requirement, health professionals fear, could well open to a fraud charge. If a claim is denied, it can take several years to go through the current process for appealing that denial. Doctors are so frustrated with the program that they are retiring early, and some beneficiaries are having a hard time finding doctors willing to take them as patients once they turn 65.

The Medicare Regulatory and Contracting Reform Act will give the Centers for Medicare and Medicaid Services the direction and flexibility needed to streamline the regulatory and contracting processes. It will provide strong incentives for intermediaries and carriers to be responsive to beneficiaries and health professionals. It will provide additional resources for provider education. One provision that could be particularly helpful for both beneficiaries and providers will test the effectiveness of placing Medicare experts in local Social Security offices so that questions and concerns can be addressed in a timely, accurate way. And when disputes do arise, Administrative Law Judges specifically trained in Medicare law and regulation will hear the cases.

These are just a few of the reforms in this comprehensive, much-needed bill.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the Medicare Regulatory and Contracting Reform Act (H.R. 3391), legislation which would reform our Medicare regulatory and contracting system. For too long, Medicare providers have encountered problems in resolving claims under the Medicare program. Today, many Medicare providers submit claims to their Medicare contractor who do not provide timely resolution for these claims. In addition, many Medicare providers face lengthy appeals which result in delayed reimbursements. This legislation would not only provide necessary regulatory relief to Medicare providers, but it would also ensure

that Medicare contracts are competitively bid so that taxpayers are paying the lowest price for these services.

In order to help with better compliance by Medicare providers, this legislation would require that Medicare regulations should be promulgated only once a month. This bill requires the Department of Health and Human Services (HHS) to develop time lines for Center for Medicare and Medicaid Services (CMS) rules. As a result, Medicare providers would know when to expect changes in the Medicare system and would be able to plan for such changes. This measure prohibits regulations from being applied retroactively and requires that any substantive change in regulations from being applied retroactively and requires that any substantive change in regulations should not become effective until 30 days after the change has been announced. The bill also protects providers by ensuring that they cannot be sanctioned if they followed written guidance provide by HHS or by a contractor. Providers would also be eligible to call a new Medicare Ombudsman to assist Medicare providers with advice about Medicare regulations and rules.

To ensure that contractors are more accountable to Medicare providers, this bill encourages HHS to competitively bid contracts for Medicare claims. This new procedure would eliminate the current system where health care providers can nominate entities to become Medicare contractors. We should eliminate this conflict of interest and would ensure that taxpayers receive the best value for this program.

This bill allows providers to seek a hardship designation if they have received overpayments. Under this program, Medicare providers and suppliers could request to make repayments over a period of six months to three years if their obligation exceeds 10 percent of their annual payments from Medicare. In extreme circumstances, Medicare providers could apply for a five-year repayment schedule. Many medical small businesses which depend on Medicare for payments have requested this flexibility so that they continue to provide services to Medicare beneficiaries.

This measure also includes several provisions related to physician payment fees. Under current law, these Medicare physician fees will be reduced by 5.9 percent effective January 1, 2001. For many physicians, this significant drop in Medicare payments will impose a financial burden and may result in fewer physicians being willing to participate in this program. This bill requires the General Accounting Office (GAO) to report of Congress on the conversion factor used to calculate physician payments and to make recommendations on how to reform it within 12 months. This GAO report would also examine whether the current sustainable growth formula for physician fees should be reformed I have been contacted by many physicians in my district who would be adversely impacted by this new fee schedule and I am committed to working to change these payments in a timely manner so that Medicare payments more accurately reflect the true cost of providing care for Medicare patients.

As the representative for the Texas Medical Center, where many Medicare providers work, I urge my colleagues to support H.R. 3391 that will reform the Medicare program.

Mr. CARDIN. Mr. Speaker, I rise today in strong support of the Medicare Regulatory and Contracting Reform Act of 2001. This bill is the result of months of collaborative efforts between Democrats and Republicans, between the ways and means and the Energy and Commerce Committees. In other words, it was developed the way that responsible Medicare legislation should be-in a bipartisan and deliberative manner.

For too long, Congress has ignored the valid concerns of one of Medicare's most important assets—its health care providers. By easing regulatory burdens on physicians and allied health professionals, and by modifying the provider appeals process, this legislation speaks to some of the foremost concerns that have been brought to Congress by the dedicated health care professionals who participate in the Medicare program.

This bill also provides important patient protections for beneficiaries—it guarantees them access to a truly independent external review process; it improves the advance beneficiary notice (ABN) process so that seniors may know in advance of receiving care whether the services will be reimbursed by Medicare; and it establishes a Beneficiary Ombudsman to assist seniors in navigating the Medicare program.

As the Medicare+Choice program enters its fifth year, and enrollees across the country are witnessing their benefits reduced and their premiums increased, this bill contains an important beneficiary protection. It delays by one year the implementation of the enrollee ''lock-in'' period, which will enable many seniors to move between HMOs as efforts are made to stabilize this program.

The 1997 Balanced Budget Act imposed $1500 caps on physical, speech-language, and occupational therapy. I have long supported replacing these caps with a rational payment mechanism. Congress has acted each year to delay these caps, which discriminate against the most frail beneficiaries. However, it is a waste of energy and resources for providers to return to Congress annually to seek a one-year moratorium on these caps. Medicare should implement a rational payment system that provides seniors with the level of care they need. We passed a law requiring the Secretary of Health and Human Services to establish a mechanism for assuring appropriate use of services and to study use of these services by last June. This bill directs the Secretary to produce these overdue reports so that Congress can enact sound reimbursement policy for outpatient therapy.

Mr. Speaker, H.R. 3391 is a shining example of how Congress can act to greatly improve the Medicare program for beneficiaries and providers. I am pleased to be an original cosponsor of this legislation and I urge my colleagues to support it this evening.

Mr. ENGLISH. Mr. Speaker, I rise in strong support of H.R. 3391, The Medicare Regulatory Reform Act of 2001. I urge my colleagues to vote in favor of this important legislation.

The Occupational Safety and Health Administration (OSHA) estimates that each year 5.6 million workers in the health care industry are exposed to blood-borne diseases because of needlesticks. OSHA studies have shown that nurses sustain the majority of these injuries and that as many as one-third of all sharps injuries have been reported to be related to the disposal process.

In addition, the Centers for Disease Control estimates that 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices. However, needlestick injuries and other sharps-related injuries, that result in occupational blood-borne pathogens exposure, continue to be an important public health concern.

H.R. 3391, The Medicare Regulatory Reform Act of 2001, includes a provision that will reduce needlestick injuries. This provision requires public hospitals, not otherwise covered by the OSHA rules, to meet the administration's standards which require employers to implement the use of safety-designed needles and sharps. The requirements will be established under Medicare statute and enforced through monetary fines similar to fines under OSHA. Violations would not cause hospitals to lose Medicare their eligibility.

I also would like to take this opportunity to thank Subcommittee Chairwoman NANCY JOHNSON for not only including this provision to reduce needlestick injuries in the Medicare regulatory reform bill, but also for her many years of hard work on this issue. She has long been a champion of requiring public hospitals to use safety-designed needles and sharps. I was pleased to join her and Mr. STARK in this important effort.

We have the technology to provide better protections for our healthcare workers. A vote in favor of this legislation ensures that hospitals are using state-of-the-art equipment while significantly reducing the risk to healthcare workers.

Mr. KLECZKA. Mr. Speaker, I am pleased that the House of Representatives is considering the Medicare Regulatory and Contractor Reform Act of 2001 (H.R. 3391) on the suspension calendar today.

This important, bipartisan legislation will address the very real and practical regulatory concerns health care providers, contractors, and beneficiaries are currently facing with the Medicare program. H.R. 3391 helps providers and beneficiaries better understand the complexities of Medicare, while at the same time protecting the Federal Claims Act and maintaining strong efforts to eliminate waste, fraud and abuse. It is my hope that this legislation will allow providers to focus their attention on patients, and not bureaucracy.

Of particular importance to me was the inclusion of language I offered during the Ways and Means Health Subcommittee markup that would establish a new Medicare Beneficiary Ombudsman. H.R. 2768, as originally introduced by the Ways and Means Committee, had included language requiring the U.S. Department of Health and Human Services (HHS) Secretary to appoint a Medicare Provider Ombudsman to provide confidential assistance to physicians and practitioners regarding complaints and grievances. I believed this point-of-contact should be extended to Medicare beneficiaries, who also have complex questions and receive conflicting guidance. I am pleased that my suggestion to create a comparable Beneficiary Ombudsman to serve as a voice for beneficiaries within the Centers of Medicare and Medicaid Services (CMS) was included. This provision should enable the Agency to better anticipate and address beneficiary needs.

Furthermore, I requested language in Title II of the Act that would eliminate the provider

nomination provisions for contracting purposes. This provision effectively waives the prime contracts that the Centers of Medicare and Medicaid Services (CMS) currently has with national organizations and permits CMS to contract directly with entities during the transition period prior to the October 1, 2003 effective date without regard to competitive bidding procedures.

I would like to express my sincere appreciation to both Ways and Means Health Subcommittee Chairwoman JOHNSON and Ranking Member STARK, and their respective staffs, for being so accommodating and working together to create responsible, well-targeted regulatory legislation.

I urge my colleagues to support H.R. 3391, and I hope the Senate will work quickly to pass this legislation prior to the end of this Congressional Session.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Connecticut (Mrs. JOHNSON) that the House suspend the rules and pass the bill, H.R. 3391.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING INTERNAL REVENUE CODE TO SIMPLIFY REPORTING REQUIREMENTS

Mr. HULSHOF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3346) to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

The Clerk read as follows:

H.R. 3346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIMPLIFICATION OF REPORTING REQUIREMENTS RELATING TO HIGHER EDUCATION TUITION AND RELATED EXPENSES.

(a) AMENDMENT RELATING TO PERSONS REQUIRED TO MAKE RETURN.—Paragraph (1) of section 6050S(a) of the Internal Revenue Code of 1986 (relating to returns relating to higher education tuition and related expenses) is amended to read as follows:

''(1) which is an eligible educational institution which enrolls any individual for any academic period;''.

(b) AMENDMENTS RELATING TO FORM AND MANNER OF RETURNS.—Subsection (b) of section 6050S of such Code is amended as follows:

(1) Paragraph (1) is amended by inserting ''and'' after the comma at the end.

(2) Subparagraph (A) of paragraph (2) is amended to read as follows:

''(A) the name, address, and TIN of any individual—

''(i) who is or has been enrolled at the institution and with respect to whom transactions described in subparagraph (B) are made during the calendar year, or

''(ii) with respect to whom payments described in subsection (a)(2) or (a)(3) were made or received,''.

(3) Paragraph (2) of section 6050S(b) of such Code is amended by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(4) Subparagraph (B) of section 6050S(b)(2) of such Code, as redesignated by paragraph (3), is amended to read as follows:

''(B) the—

''(i) aggregate amount of payments received or the aggregate amount billed for qualified tuition and related expenses with respect to the individual described in subparagraph (A) during the calendar year,

''(ii) aggregate amount of grants received by such individual for payment of costs of attendance that are administered and processed by the institution during such calendar year,

''(iii) amount of any adjustments to the aggregate amounts reported by the institution pursuant to clause (i) or (ii) with respect to such individual for a prior calendar year,

''(iv) aggregate amount of reimbursements or refunds (or similar amounts) paid to such individual during the calendar year by a person engaged in a trade or business described in subsection (a)(2), and

''(v) aggregate amount of interest received for the calendar year from such individual, and''.

(c) CONFORMING AMENDMENTS.—Subsection (d) of section 6050S of such Code is amended—

(1) by striking ''or (B)'', and

(2) in paragraph (2), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or assessed after December 31, 2002 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. HULSHOF) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. HULSHOF).

GENERAL LEAVE

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, education is the great equalizer, and getting a college education remains a part of the American dream. Yet affording that education at an institution of higher learning can be a nightmare for a prospective student or that student's family.

According to a 1997 GAO report, since the early 1980s college tuition has increased by 234 percent, which of course far outpaces the cost of living or any rise in family income. Some students balance their class work with part-time jobs, others rely on financial aid packages or scholarships. This body, Mr. Speaker, has attempted in the past to ease the financial burden. Back in 1997 Congress passed and former President Clinton signed into law the Taxpayer Relief Act of 1997. This legislation created the Hope Tax Credit as well as the Lifetime Learning Tax Credit to help families afford the cost of sending a child to college.

Since then we have built on our work. We have added to the success of the 1997 bill. We have expanded education savings account. We have made prepaid tuition plans more attractive, and we have expanded the student loan interest deduction.

When the merits of the Hope Credit and the Lifetime Learning Credit were being considered back in 1997, the potential compliance costs for colleges and universities were raised as a potential drawback. In fact, I recall and probably the gentleman from Maryland (Mr. CARDIN) may recall the particular hearing we had in front of the Committee on Ways and Means and the former Treasury Secretary was appearing before us, and I asked Mr. Rubin about the compliance cost. We had been alerted to some potential substantial administrative burdens that colleges and universities were going to have to undertake, even while implementing this worthwhile legislation. I recall the answer that Mr. Rubin gave; he felt it would be a small, insignificant cost.

□ 1745

In fact, I think he said it would be the cost of a pencil and a piece of paper. Well, as C-SPAN was covering that hearing live that day, the phone lines in our congressional office began to light up as school administrators from around the country began to call, again with this concern about this burden, this compliance cost that they would have to undertake if, in fact, we enacted the HOPE scholarship or the HOPE tax credit, as well as the lifetime learning credit and, unfortunately, their premonition has been borne out. It has been clear that our Nation's institutions of higher learning have faced significant increased administrative burdens, which brings us today.

The bill before us, H.R. 3346 that has been introduced by the gentleman from Illinois (Mr. MANZULLO), accomplishes the goal of reducing administrative burdens on schools, while retaining the integrity of the HOPE and lifetime learning credits. We accomplish this by modifying how tuition amounts are reported and also eliminating an unneeded reporting requirement in current law that colleges and universities provide the Internal Revenue Service with the name, address, and taxpayer identification number of taxpayers who could claim students attending the school as dependents. While these

changes may seem minor, I can assure my colleagues that they will greatly reduce the administrative burdens on our colleges and universities. I urge this body to be supportive of H.R. 3346.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

First let me thank the gentleman from Missouri (Mr. HULSHOF) for bringing forward this legislation. I agree with him that this is an important bill that helps us move forward on making it easier for families to afford college education and reducing the administrative burden of tax laws. I also want to congratulate the gentleman from Illinois (Mr. MANZULLO) for bringing forward this bill. It is his legislation. I thank him for putting together a sensible bill that will reduce the costs of compliance without raising the level of potential abuse. That is what we all try to do.

First, Mr. Speaker, this bill makes it easier for families to be able to have the HOPE scholarship and lifetime learning tax credit which this body, this Congress, passed in 1997, that allows up to a $1,500 tax credit for higher education expenses. The gentleman from Missouri (Mr. HULSHOF) is correct. Education is a very important part of the American dream. We want to make it easier for American families to afford higher education. We want all Americans who can benefit from higher education to be able to afford higher education for their children, and the HOPE scholarship and lifetime learning tax credit carries out that commitment.

Mr. Speaker, many times Congress, in well-intended legislation, causes burdens to the private sector that are not really necessary. We are well intended in what we think is necessary in order for compliance. I remember working with the gentleman from Cincinnati, Ohio (Mr. PORTMAN), on IRS reform, and one of our principal objectives was to make the Tax Code easier to understand and to make it simpler for people to comply with the laws that we passed. This bill does that. This bill makes it easier for compliance.

The first part on reporting, the current law makes it difficult for some colleges to be able to report the dollar amount that is impacted by the credit. We make it a little bit easier by allowing the college to report the amount of expenses or the amount that is paid. It is a simple change, but it allows a lot of colleges to allow their current computer program to be adequate to deal with the reporting needs of the Federal Government, rather than requiring them to change their entire system in order to meet the needs of the tax credit. That is common sense.

The second is the reporting of the taxpayer identification number. We already have the taxpayer identification number of the student, and that is all we really need because we can match that, and the IRS has indicated they can match that, rather than requiring a reporting number of the person who claims the child, adding to the complexity again, and adding to information that is not readily available by the college and university that is reporting the information to the government.

So the changes that are made in the legislation are common sense. They make it easier for the colleges and universities to comply with reporting requirements. It does not add to the potential abuse of tax law and it makes it easier for the law that Congress passed in 1997 to be utilized by American families. It is a bipartisan bill. It is a bill that I hope every Member of this body will support.

Mr. Speaker, I reserve the balance of my time.

Mr. HULSHOF. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO), the author and original sponsor of this legislation.

Mr. MANZULLO. Mr. Speaker, of the many Federal regulations with which colleges and universities are required to comply, one of the most onerous is that associated with the HOPE scholarship and lifetime learning tax credit. Originally enacted as part of the Taxpayer Relief Act of 1997, the tax credits were intended to give parents back more of their hard-earned money, up to $1,500 for the first 2 years of college, so that they could better afford to send their children to school.

While we were successful in providing this tax relief for students and families, we discovered an unintended consequence: an unfunded mandate burdening colleges, trade schools, community colleges, and universities in the form of a reporting requirement administered by the IRS.

I became aware of this regulatory issue during the fall of 1997. I was discussing several concerns with Dr. La Tourette, president of Northern Illinois University. While talking about the merits of the HOPE scholarship, he dropped the bombshell on me and informed us of the new Federal requirements forcing all 6,000 institutions of higher education in this country to collect unprecedented information on their students and disseminate that information to the IRS.

I knew compliance with the reporting requirement would be expansive and expensive and would ultimately be borne by the very families that they were trying to help with the HOPE scholarship program. Both large and small institutions have been hit hard by the reporting requirement. The cost to schools to implement and abide by these regulations will soar into the hundreds of millions of dollars. And, of course, they will be passed on to the consumers of education, which are the parents and the students.

Since my conversation with Dr. La Tourette, I have worked with members of the higher education community and with Commissioner Charles Rossotti of the IRS to simplify the reporting requirements and ease the burden of the regulations on the colleges and universities of this country. Today, I am proud to say that H.R. 3346 is the product of a partnership that evolved between the IRS, the Treasury Department, the higher education community, and myself, and this can serve as a model for how we can positively impact higher education in the future by working together.

Specifically, while H.R. 3346 maintains the reporting requirement, the bill eliminates certain elements of the law such as reporting a third party's Social Security number, and changes others, such as allowing schools to report the amount students are billed or the amount they are paid. It is my hope that the simplifications instituted as part of H.R. 3346 will make the reporting significantly easier on colleges and universities.

Early estimates from Northern Illinois University predict that as a result of the passage of this bill, this school could avoid a one-time cost of approximately $90,000. This includes the costs of program computer systems to accommodate requirements included in the original legislation that are not included in the pending legislation, as well as what it would cost initially to implement Social Security number reporting of the taxpayer claiming the student as a dependent.

Additionally, the university would have incurred ongoing costs on an annual basis for solicitation and data entry of the student-reported information, and those costs are estimated at $30,000 a year. The University of California's system expects to save $1 million in the first year alone as a result of H.R. 3346. Overall, the savings the schools will attain as a result of this legislation are very significant. When we consider that most institutions of higher education would incur costs of similar proportion, the impact is particularly traumatic.

I would be remiss if I did not take a moment to heartily thank Commissioner Rossotti with whom we met on no less than three different occasions in order to fashion this legislation. I also want to thank Curt Wilson and Beverly Babers of the staff. I would like to thank Northern Illinois University, both former president Dr. La Tourette and current president Dr. John Peters and Kathe Shineham from the school for their insights and efforts as we have worked to craft this legislation. This bill is a memorial to Dr. Ruth Mercedes-Smith, former president of Highland Community College, who was killed in a car accident several months ago. Her support for our work was invaluable. Also, Dr. Chapdelaine of Rock Valley Community College and Dr. LaVista of McHenry Community College, and the National Association of Colleges and Universities Business Offices. All of these groups worked tirelessly together in order to craft the legislation. It took

us 4 years to do it. During that period of time, the IRS worked with us, they withheld the implementation of these regulations because they knew that the goal was worthy. Lastly, I want to thank Sarah Giddens of our staff who, for 4 years, tirelessly worked on this legislation, dogging it dot by dot, i by i, in the hundreds of meetings, literally, that she had and the hours that she poured into this piece of legislation.

Mr. Speaker, it is a great piece of legislation. Instead of spending money on regulatory compliance, the schools can spend that money doing what they do best, and that is educating the kids.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Florida (Mrs. THURMAN), a distinguished member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time, who may have to watch my university play in the Orange Bowl. We were just discussing that over here. But I want to say to the gentleman from Illinois (Mr. MANZULLO) how welcome this piece of legislation is. I do not know if my colleagues are reading what is happening in Florida right now, but the legislature is in a special session specifically for the purpose of cutting their budgets. The headline news in Florida is that the State universities were hit with cuts in excess of $100 million, while community colleges must deal with $33 million.

As the gentleman from Missouri (Mr. HULSHOF) has said, one of the things that makes our country great is the ability for us to have an educated population. What we did in 1997 in providing the $1,500 tax credit for the HOPE scholarship and the lifetime learning tax credits I was hoping would not be taken away from by the administrative nightmares that they might be facing, as my colleagues can imagine, also based on the numbers that we heard of the increased tuition. I do not know where those monies are going to come from when they cut them, but certainly we did not want them to have to be raised in tuition. With the gentleman's help, we are going to be able to see this $1,500 and the bureaucracy cut so that our universities and our community colleges are not going to have to be hiring new staff and setting up new computer programs, so this might help them in looking at their overall budgets if we get this passed and through over in the Senate.

□ 1800

I just want to say that, in conclusion, because of the work and the people that the gentleman has recognized, this is a work that the higher education community has asked for. They have asked for the greater flexibility in reporting information to the IRS about the education tax credits. I believe that H.R. 3346 provides that requested flexibility through the simplification of the Tax Code.

I might just say, for all of us who serve on the Committee on Ways and Means, that it is always a pleasure for us to be able to come to the floor and talk about the idea that we are simplifying, and not adding to, the tax codes in this country.

I think it is something that the American people want us to be doing, have suggested that we do; and as we can see, as we work in a bipartisan manner, in fact we can provide not only the dream for our students and to help our universities, but we can also help the taxpayers of this country. So we thank the gentleman for his leadership.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a few concluding remarks.

First, I want to amplify a point that my friend, the gentleman from Maryland (Mr. CARDIN), made regarding the situation regarding the computer systems.

The point is that as educational institutions begin to raise some concerns that these new reporting requirements would require their schools to completely revamp their computer systems at a substantial cost, these institutions noted that complying with the law's requirement to report tuition payments received would be difficult, and that because schools keep a running total of the payments that they receive from students, in other words, payments are not applied separately to tuition, but instead are applied to a student's total outstanding balance that may include room and board, books, student fees for recreational activities, or other costs, and, moreover, payments are not applied to any particular academic year. As a result, these institutions would have had to change their accounting and computer systems dramatically to make them compatible with reporting requirements. We have undertaken, instead, a change in those reporting requirements so those colleges and universities will not have to undertake that substantial cost.

As a final comment, I would just advise my colleagues that in the 1999 calendar year, the Hope scholarship credit was claimed by 3,334,000 students; the lifetime learning tax credit was claimed for 3,575,000 college students.

Clearly, the work we have done here in Congress back in 1997 has taken a large step forward as far as making higher education more affordable. I think we are taking an additional step forward for the administrators of these colleges and universities by reducing their burden.

Mr. CARDIN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let me just concur with my friend, the gentleman from Missouri (Mr. HULSHOF).

Also, I would like to compliment the Internal Revenue Service. We do not often say that. But they have worked with us to implement, as the gentleman from Illinois (Mr. MANZULLO) has pointed out, this part of the code in a taxpayer-friendly way. If we look at the 1098–T form and 8863 form, I think we will find both of those forms are easy for the taxpayer to use.

They worked with us to modify the law in regard to the unnecessary burden upon the institutions of higher education. As a result, we have had, I think, the right spirit in simplifying the Tax Code to carry out the purposes of Congress.

This legislation is important legislation, and I urge my colleagues to support it.

Mr. HULSHOF. Madam Speaker, I urge adoption of H.R. 3346, and I yield back the balance of my time.

Mr. CARDIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 3346.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GERALD B.H. SOLOMON SARATOGA NATIONAL CEMETERY

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3392) to name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

The Clerk read as follows:

H.R. 3392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Gerald Brooks Hunt ''Jerry'' Solomon of Glens Falls, New York, served in the House of Representatives for 10 terms, from January 3, 1979, to January 3, 1999, and during that service gained a reputation for being outspoken and tenacious in presenting his views on a wide range of issues.

(2) Congressman Solomon was born in Okeechobee, Florida, and grew up there during the Great Depression before moving to New York in 1945.

(3) Congressman Solomon enlisted in the United States Marine Corps at the onset of the Korean War and served in the Marine Corps for 8½ years on active and reserve duty.

(4) Before being elected to Congress in 1978, Congressman Solomon was a businessman in Glens Falls, New York.

(5) During his 20-year congressional career, Congressman Solomon served as the ranking Republican on the Committee on Veterans' Affairs, where he was recognized by the veterans community as one of its strongest advocates. Among his other accomplishments for veterans, Congressman Solomon spearheaded the effort to create the Cabinet-level Department of Veterans Affairs and successfully led a 15-year drive to establish the Saratoga National Cemetery in Saratoga, New York, where he is now interred.

(6) Congressman Solomon was also recognized for his efforts to promote pride, patriotism, and volunteerism, and when the Supreme Court ruled that laws prohibiting the burning of the United States flag were unconstitutional, Congressman Solomon was given the assignment to pass a constitutional amendment to prohibit desecration of the flag. The Solomon Amendment passed overwhelmingly in the House, but failed by one vote in the Senate.

(7) As chairman of the Committee on Rules of the House of Representatives, Congressman Solomon revamped the rules under which the House operates, abolishing proxy voting, opening all meetings to the media and the public, and making Congress subject to the same laws that the American people live under.

(8) During his congressional career, Congressman Solomon was the recipient of dozens of major awards from many national veterans organizations, including the coveted ''Iron Mike Award'', presented to him by the Marine Corps and Marine Corps League, and the Distinguished Citizen Award, presented to him by the National Congressional Medal of Honor Society for his legislative successes on behalf of the United States military and veterans issues.

SEC. 2. NAME OF THE NATIONAL CEMETERY IN SARATOGA, NEW YORK.

(a) NAME.—The national cemetery located in Saratoga, New York, shall after the date of the enactment of this Act be known and designated as the ''Gerald B.H. Solomon Saratoga National Cemetery''. Any reference to such national cemetery in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Gerald B.H. Solomon Saratoga National Cemetery.

(b) MEMORIAL.—The Secretary of Veterans Affairs shall provide for the placement in the national cemetery referred to in subsection (a) of a suitable memorial to honor the memory of Gerald B.H. Solomon and his service to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in very strong support of H.R. 3392, a bill to name the National Cemetery in Saratoga, New York, after Gerald B.H. Solomon, who we all knew and loved as Jerry. This is a fitting honor and memorial to our former colleague, the distinguished chairman of the Committee on Rules.

I want to commend and thank the gentleman from Illinois (Speaker HASTERT) for introducing this important bill. I know how highly the Speaker thought of Jerry Solomon and valued his service to the House of Representatives. So it is a tribute in itself that the gentleman from Illinois (Mr. HASTERT), who, as Speaker, does not normally introduce legislation, has taken this very extraordinary step. I am grateful to have been afforded the opportunity to be an original cosponsor of H.R. 3392.

In addition to naming the cemetery for Jerry Solomon, this bill will also authorize the Secretary of Veterans Affairs to place a suitable memorial in the cemetery to honor his memory.

It is highly fitting that our distinguished colleague was laid to rest in the Saratoga National Cemetery because the cemetery itself owes its existence to Jerry Solomon. He worked tirelessly for this cemetery for 15 years to overcome obstacle after obstacle to its establishment. He promoted it in his town meetings, he pushed for timely completion of the environmental impact studies, he worked with members of the Committee on Appropriations to ensure that the money was appropriated for it, and overcame official indifference in the executive branch.

His unwavering determination, no matter how difficult an objective, manifested itself time and time again. I think it probably had much to do with his service in the U.S. Marine Corps; but also it reflected the kind of man that he was: he was tenacious, he was tough, and he was fair.

He enlisted, as I think many of my colleagues know, in the Marine Corps at the beginning of the Korean War and served for 8½ years on active duty and in the reserve. He is one of the few who was good enough to be a Marine; and of the many awards he received during his public service, among his most cherished were the Iron Mike Award from the Marine Corps League, and the Distinguished Citizen Award from the National Congressional Medal of Honor Society.

All of us, Madam Speaker, learned from the example of Jerry Solomon. I recall so well when he was the ranking Republican member of the Committee on Veterans' Affairs, again, he always put veterans first. He was always fighting to ensure that there was an adequate veterans budget, particularly in the area of health care. He believed that the VA was one of those commitments that, once we make it, that they had first dibs for every dollar that we would spend.

He was also one of the prime leaders in making sure that we had a cabinet level for the VA, so when it came to allocating scarce resources, that they would be there, the Secretary of Veterans Affairs would be there at the table fighting and fighting hard for veterans' benefits and for veterans' health care.

More recently, following his retirement after 20 years in Congress, President George Bush recognized Jerry Solomon's leadership and wisdom by appointing him to co-chair the Presidential Task Force to Improve Health Care Delivery for our Nation's Veterans.

Like everything else, he launched himself into this new endeavor with enthusiasm and commitment and actively served on that issue and on that commission until his final illness.

Madam Speaker, I had the honor of serving many years in the House with Jerry Solomon and in every case found him to be one of the most outspoken, straightforward, tenacious, and patriotic Members of Congress that this body has ever produced. He was a great man; and we honor him in a very modest way, much more could be done for this great man, by naming this important cemetery in his honor.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in remembrance of our distinguished colleague, Jerry Solomon, and in strong support of renaming the Saratoga New York National Cemetery as the Gerald B.H. Solomon Saratoga National Cemetery. It is a well-deserved honor for an outstanding public servant.

I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), for bringing this bill to the floor today. I also want to recognize my colleague, the gentleman from New York (Mr. MCNULTY), for introducing a similar bill in the 105th Congress. I am sure he will be pleased by the bill, and I look forward to his remarks.

Throughout his 20-year term in this Chamber, Jerry Solomon demonstrated an unyielding commitment to the men and women who risked their lives for the safety and welfare of this Nation. As a strong advocate of America's military veterans, I appreciate his efforts over the years to improve their benefits and health care through substantive and proactive legislation.

Jerry grew up in New York State and attended Siena College and St. Lawrence University before serving in the United States Marine Corps from 1951 to 1952, and I very much appreciate the chairman's remarks about his affiliation with the Marine Corps. I had some disagreements with the gentleman from New York, and we never took it out in the committee room. So he was a gentleman, and he worked hard to leave a great impression on the people that he met on a day-to-day basis.

Earlier this year, the President appointed Jerry to lead the President's Task Force to Improve Health Care Delivery for our Nation's Veterans.

As an original cosponsor of this measure, I can think of nothing more appropriate than to rename this cemetery. Jerry was interested in this cemetery, which was in large part due to his 15-year personal commitment to establish this cemetery.

It was a privilege to work with Jerry Solomon on the Committee on Veterans' Affairs and on committee issues. I am proud that I am able to join my colleagues in offering this measure in tribute to a great American, Jerry Solomon.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN), the distinguished dean of

the New York delegation and chairman emeritus of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I want to thank our Speaker, the gentleman from Illinois (Mr. HASTERT), for introducing this legislation designating the Saratoga National Cemetery after our good friend and former colleague, Jerry Solomon, and the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), and the ranking minority member, the gentleman from Illinois (Mr. EVANS), for pursuing this measure and bringing it to the floor at this time.

H.R. 3392 is a fitting tribute to Mr. Solomon. It was due to his efforts on behalf of our veterans that the veterans cemetery at Saratoga was created and that the administration was granted cabinet-level status. As a Marine veteran, it is appropriate that we honor Jerry in this manner. Jerry fully knew the sacrifices our men and women in the Armed Forces face each and every day in defending our Nation from aggressors.

Madam Speaker, throughout the House, in the Senate, in New York State, around our Nation, overseas, many of us were deeply saddened last month to learn of the loss of our former colleague and good friend, Jerry Solomon. In New York State's capitol in Albany, Jerry was an assemblyman noted for his energy, determination, and commitment. It was, therefore, no surprise to those of us who knew him when he subsequently brought those same dedicated traits to bear as a member of this body.

Jerry came to the House of Representatives in January of 1979, serving here for 2 decades diligently, meritoriously representing the constituents of the 22nd district in upstate New York. When Jerry came to the floor of this House, he was always ready to stand up vociferously for what he believed, especially when it came to our Nation's defense and our Nation's veterans.

Last month, upon learning of the passing of our former colleague, President Bush said that ''Jerry Solomon was a true patriot who will always be remembered as true to his creed, duty, honor, and country.'' The President's words remind us that as our military goes into battle against those who perpetrated the atrocities of the barbaric September 11 attack, our troops are relying on advanced weapons systems and technologies that Jerry Solomon fought so hard to obtain for them.

Congressman Solomon was proud to be labeled a hawk on defense, always arguing that our Nation had to be fully prepared and strong for the new challenges in the post-Cold War world. Today we fully recognize the wisdom of his policy as we pay tribute to this great American by honoring both him and all our veterans by designating the Veterans' Cemetery at Saratoga Springs as the Gerald B.H. Solomon Saratoga National Cemetery.

Accordingly, in honoring our good colleague, Jerry Solomon, I urge our colleagues to fully support this legislation. Semper fi, Jerry.

Mr. EVANS. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SWEENEY).

□ 1815

Mr. SWEENEY. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, as the one who succeeded Jerry Solomon in Congress, I am proud today to stand and speak on behalf of this important piece of legislation.

As it has been pointed out, Jerry Solomon served in this body for over 20 years since 1978. He has many friends in this House and I count myself among them. I doubt there is one among us who did not respect him. He was an American's American, a Marine's Marine, a veteran's veteran.

Devoted to his wife, Freda, his 5 children, and his 6 grandchildren, Jerry Solomon became a great statesman, but always remained a loving husband, father and grandfather.

He was a man who called them as he saw them, Madam Speaker. Over his career he led the way on veterans' issues, culminating in the establishment of a Cabinet post for veterans' affairs.

He led the way in fighting to cure an amendment to our Constitution to protect our flag.

He brought a national cemetery to Saratoga, New York, which happens to be my home county as well, where he himself has been laid to rest. Thanks to this legislation, it will now bear his name.

It is the right thing, an honorable gesture by this body to remember a patriot and his work.

In his final years in this House, Jerry Solomon served as chairman of the Committee on Rules. That achievement speaks volumes about the man, the leader, and the legislator.

What I learned about Congressman Solomon many among us know. If he cared enough to tell someone something, they had better listen.

Madam Speaker, Jerry Solomon has left us, but neither he nor his achievements will ever be forgotten. It is with great pleasure that I support this legislation to rename the Saratoga National Cemetery to the Gerald B.H. Solomon Saratoga National Cemetery.

Mr. EVANS. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Madam Speaker, I thank my colleague for yielding me time.

Madam Speaker, as he pointed out earlier, this is not the first time a bill has been introduced to accomplish this purpose. On August 3, 1998, I introduced H.R. 4385 to name the Saratoga National Cemetery in honor of my friend and late colleague, Jerry Solomon.

We quickly rounded up 88 cosponsors to that bill, very enthusiastically supporting it. We were moving forward with the bill and then some very small-minded people, bureaucrats in the Department of Veterans Affairs, raised an objection. Their objection, Madam Speaker, was simply this: Something like this has never been done before.

Imagine the kind of world we would live in if we all had that attitude. We cannot do it because it was never done before. I said, well, it ought to be done now.

The next day Jerry Solomon called me over to his side of the aisle, and we sat in that seat right over there, and he asked me to withdraw my bill. Jerry Solomon and I were a team for 10 years, and he was always the one that was a little bit more, let us say, excitable. But on that day I was the one who was agitated, and I said, Jerry, I want to fight this. And he very calmly said to me, very characteristically because of his love for veterans, I do not want any controversy associated with that cemetery, and if one person in the bureaucracy objects, I want you to withdraw the bill.

I have conceded to the request of my friend and colleague. But today I thank the gentleman from Illinois (Mr. HASTERT). I thank the Speaker of the House for using the power and influence of his office to do the right thing and to name this cemetery for this soldier and patriot.

I am just so happy that Jerry lived to see the day when Communism fell apart in Eastern Europe; to see Lech Walesa and the Solidarity movement succeed; to see the downfall of Eric Honneker and Egon Krenz; to see the people out there tearing down the Berlin Wall piece by piece; to subsequently see the dismantling of the Soviet Union, dissolving into 15 individual democratic republics; to see the people of Armenia, one of those former republics, standing up in September of 1991 and voting 98 percent for independence and shouting the next day, ''Ketze azat ankakh hayastan,'' long live free and independent Armenia; and then pointing to the United States of America as their example of what they wanted to be as a democracy.

Yes, we live in the freest and most open democracy on the face of the Earth, but Jerry Solomon understood that freedom is not free. We have paid a tremendous price for it. And he did not let a day go by without remembering with gratitude all of those who made the supreme sacrifice and all of those who served, put their lives on the line, came back home, rendered outstanding service to our country, the veterans of our country, and raised beautiful families to carry on in their fine traditions.

That was Jerry Solomon, and he spent 15 years of his life to make sure that that cemetery came to Saratoga. And I can say without any fear of anybody positing anything to the contrary, that cemetery would not be in Saratoga if it were not for Jerry Solomon. That is just a fact.

So today I ask my colleagues to support this bill, to support the Speaker, and to pay tribute to the memory of Jerry Solomon and, in doing that, to say thank you to Freda and Jerry's children and, yes, to all veterans.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 10 seconds to thank my good friend and colleague, the gentleman from New York (Mr. MCNULTY) for his powerful statement on behalf of Jerry Solomon and for introducing, as he pointed out, a resolution earlier that would have named this important asset, this cemetery, in honor of Jerry Solomon. And customary and just so characteristic of Jerry, he wanted to be self-effacing and did not want any fuss being made about him. It does not surprise me that he approached the gentleman and said, hey, do not push it. That is just so typical of Jerry Solomon.

I want to thank the gentleman for his leadership. I think that epitomizes the best of bipartisanship. That this is what it is all about. We care for each other. The gentleman cared for Jerry, and he showed it while he was alive in trying to get this cemetery named in his honor. I want to congratulate and thank the gentleman for that.

Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I would also like to thank the gentleman from New York (Mr. MCNULTY) because I do not have the words to follow the articulation.

Each of us individually have our own memories of our dear friend, Jerry Solomon. And I compliment the gentleman for his statement.

I rise and encourage all Members to support H.R. 3392. It is fitting that a national veterans' cemetery in Saratoga, New York be named after our colleague, Jerry Solomon. It honors not just the person but the contributions to our country.

I know Marines are proud of their military service but it is much more. It is the cohesion of the brotherhood that only combat Marines understand and it survives beyond the distant battlefield. It becomes a way of life, led by the attributes of honor, integrity, courage, and commitment. Jerry Solomon emulated these virtues and values during his life and left a distinct impression upon our country, his constituents, friends and family.

I am quite sure the comrades who he lies with are equally proud to have their remains rest in perpetuity in a national veterans' cemetery that bears the name of Jerry Solomon. We miss you, Jerry.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I rise in strong support of this resolution and, as has been said by many of my colleagues, we all have our memories of Jerry Solomon. I have to stand here and say that I miss him. I miss the fact that we are no longer able to talk regularly on the phone. I miss his service here in this institution.

I believe that this is an appropriate action that we can take here because of his extraordinary service not only here in the Congress, but his service as a proud Marine.

My late father and Jerry became good friends. My father was a drill instructor in the United States Marine Corps and my father regularly encouraged Jerry to crack the whip on me. And Jerry followed my father's direction extremely well.

On more than a few occasions I was taken to the woodshed by Jerry Solomon. I was encouraged to step outside, and I will say that it was good for me. And while at the time I may have been a little miffed with some of the things that Jerry said, as are many experiences in life, it was a great growing experience for me.

I appreciate the leadership that Jerry Solomon showed in so many areas. He was a Korean War hero veteran, and there was no one in this institution who fought harder for, as the gentleman from New York (Mr. MCNULTY) said, the demise of the Soviet Union than Jerry Solomon.

I had the opportunity to travel with him throughout the world. We traveled in the Mideast. We traveled to Asia. He took me on my first trip to Vietnam on February 14 of 1986. I remember being there on Valentine's Day. We traveled numerous times to Central America.

I thought a lot about Jerry as we just saw a few weeks ago the successful election of a democratic, small ''d,'' leader in Nicaragua, because we all know through the 1980s we had this amazing struggle providing assistance to the democratic resistance in Nicaragua so that we could encourage the kind of freedom and political pluralism and recognition of human rights and encouragement of the rule of law that Jerry had fought for through his entire life.

So to be able to name the Saratoga National Cemetery the Gerald B.H. Solomon Saratoga National Cemetery is a very fitting tribute.

Madam Speaker, I would like to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) for moving this resolution forward and the gentleman from New Jersey (Mr. SMITH) and the distinguished ranking member, the gentleman from Illinois (Mr. EVANS) for moving this as expeditiously as they have. And I want to say once again to Mr. Solomon and his wonderful family, to the members of his family, that our thoughts and prayers continue to be with all of them during this very difficult and challenging time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to thank the distinguished chairman of the Committee on Rules for his very eloquent remarks. We all have very fond memories. I know my first trip to Vietnam along with the gentleman from New York (Mr. GILMAN) on behalf of POWs was in 1984.

Mr. Solomon was again tenacious in trying to ensure that there was an absolutely thorough accounting and that any live sightings be followed up as aggressively as possible to ensure that nobody was left behind.

Mrs. KELLY. Madam Speaker, I rise in support of this measure honoring my friend and colleague Jerry Solomon.

As the rest of my colleagues, I was deeply saddened by his passing in October. Jerry Solomon was my friend. His gruff exterior belied the thoughtful and kind man's interior.

Jerry fought for his Nation, his family, and his district like the admirable Marine he was. If the Hudson Valley had a need, Jerry was there to help, either with legislation of his own or by supporting legislation of those of us representing the Hudson Valley.

To meet Jerry was to fall under this great driving strength and to be offered an invitation to join him in whatever battle he was engaged in, and the Saratoga National Cemetery was a battle he fought for and won.

He was a great man, and we remember and honor him with this action today.

Mr. HASTERT. Madam Speaker, I rise today in support of this legislation which would name the national cemetery in Saratoga, NY, the ''Gerald B.H. Solomon Saratoga National Cemetery.'' This is a fitting tribute for my friend and our former colleague.

I would like to thank Chairman SMITH, my colleague from Illinois Mr. EVANS, and the Veterans Affairs Committee for allowing this important legislation to move so quickly. As the sponsor of this legislation, I would also like to thank the numerous cosponsors, especially Mr. GILMAN and all the members of the New York Congressional Delegation.

I had the honor and privilege of serving with Jerry Solomon during many of his 20 years of service in the House. We all remember Jerry as someone who fought for what he believed in. He was your most tenacious advocate when he was on your side and a ''pit bull'' of an opponent when he wasn't. He was truly a man of principle, and you always knew where he stood.

Before being elected to Congress in 1978, Jerry Solomon had an impressive career of public service. He was, among other things, a U.S. Marine, successful businessman, volunteer fireman, scoutmaster, and a member of numerous organizations such as the National Rifle Association, the American Legion, Marine Corps League, Disabled American Veterans, and the Korean War Veterans Association.

When Jerry was elected to Congress, he took on several important issues. For starters, Jerry Solomon spent many years devoted to ending the scourge of drugs, where I had the opportunity to work closely with him. In this capacity, he successfully championed many pieces of legislation requiring random drug testing and penalizing users and sellers of illegal drugs. He was a strong believer that illegal drug use is one of the most pressing issues facing our Nation's youth and fought it wherever and whenever he could.

In addition, when Republicans took control of the House, Jerry Solomon served as the Rules Committee chairman, where he presided over sweeping reforms in the way the House operates. Among other things, his committee abolished proxy voting, opened all meetings to the media and the public, and made Congress subject to the same laws that the American people live under. These were important reforms that fundamentally changed the way this House conducts its business.

In addition to this important work, Jerry served as ranking member on the Veterans Affairs Committee, where, as a veteran of the Korean war, he understood firsthand the importance of meeting the needs of our military veterans to the fullest extent possible. In this capacity, Jerry made sure that veterans were heard and represented when he sponsored the bill that created a cabinet level Department of Veterans Affairs. And, of course, he made certain that we remembered our country's military veterans when he fought for 15 years to see that the Saratoga National Cemetery was established.

I urge my colleagues to support this important legislation. This country cannot and should not forget the efforts of those like Jerry Solomon who by word and deed made this country a better place.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3392.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3392.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1830

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT VETERANS DAY CONTINUE TO BE OBSERVED ON NOVEMBER 11

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 298) expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances.

The Clerk read as follows:

Whereas the veterans of the Armed Forces are owed a tremendous debt of gratitude for their service and bravery;

Whereas veterans play important roles in communities throughout the United States;

Whereas maintaining Veterans Day as a legal public holiday separate from all other Federal holidays and days for elections or national observances is the least that a grateful Nation should do in recognition of its veterans; and

Whereas November 11 is a solemn commemoration of the contributions of those who have served and defended the Nation, especially those who gave their lives securing the freedoms enjoyed by all citizens of the United States: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 298.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 298. The message of this resolution is simple and straightforward. It is the sense of the House of Representatives that Veterans Day should be observed on November 11. It should be observed separate from any other Federal holiday, election day, or any other national observance.

Madam Speaker, Veterans Day is the one day on which America honors all of those who have served in our Armed Forces. Its roots trace back to Armistice Day, which established November 11 as the day to honor veterans of World War I; but in 1954, after World War II and the Korean War, the name of the holiday was changed to Veterans Day.

For a brief period, from 1968 to 1975, Veterans Day was not observed on November 11. By law it was observed on a Monday in order to provide Federal employees with 3-day weekends, but in 1975 President Ford signed legislation to return the observance of Veterans Day on November 11, where it remains to this day.

President Ford's action supported the expressed will of the overwhelming majority of State legislatures, veterans service organizations and the American people. Yet today, there are those who would alter this distinct opportunity to honor our veterans by merging Veterans Day with other public activities such as election day.

This would be wrong, Madam Speaker. Since our Nation's founding, some 48 million men and women have stepped forward to defend our way of life. There are more than 25 million living veterans who have served in peace and war. More than a million died in service to America; and more than a million and a half have been wounded, and some very seriously.

As we debate this resolution today, America's servicemen and women are fighting in Afghanistan to defend us and our way of life from the terrorists who attacked us on September 11. As President Bush said in his Veterans Day proclamation this year: ''Our Nation will always be grateful for the noble sacrifices made by these veterans. We can never adequately repay them, but we can honor and respect them for their service.''

It would be a shame and a travesty, Madam Speaker, to allow the special meaning of Veterans Day to be submerged amid a welter of campaign activities. Election campaigns focus on issues that divide us. That is how our democratic system works. We engage in a great national debate over a variety of serious issues. Campaign ads flood television and radio. Campaign activities dominate the news, and then the American people vote and determine who will represent them.

This is a great process, Madam Speaker; but we would lose something very special if it were combined with Veterans Day. We would lose the opportunity to pause and honor our veterans as a Nation united in gratitude for their service. Maintaining Veterans Day as a legal public holiday, separate from all other Federal holidays, is the least that a grateful Nation should do.

I want to congratulate and thank the gentleman from Nebraska (Mr. TERRY) for introducing this legislation; and, Madam Speaker, I urge all Members to support this important resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as we just listened to the debate and tributes being paid to Representative Solomon, I think that gives us one of the reasons why this bill is so important; and so I rise in strong support for H. Res. 298, a bill expressing the sense of the House of Representatives that Veterans Day should be observed on November 11 and separate from any other holiday or day for Federal elections or national observances.

Madam Speaker, in 1921 an unknown World War I American soldier was buried in Arlington National Cemetery.

This site, on a hillside overlooking the Potomac River and the city of Washington, became the focal point of reference for American veterans.

On Sunday November 23, 1921, Miriam Felt, then 23 years old, wrote a letter to her family describing the events in Washington, DC., during the time of that first burial, now known as the Tomb of the Unknown Soldier, in Arlington National Cemetery.

Miriam wrote: ''Well, this last week has been quite an event in history, and I certainly do wish you all could have been in Washington. It certainly is something I shall never forget. Somehow, you can talk about it and think about it, but the realization of the whole thing struck me so much more by seeing it all, and it was so impressive. Of course, Washington is alive with foreigners of all sorts, and I am turning around all the time to see something else for fear that I will miss something.

''Thursday night after work, Gertie and I went up to the Capitol to see the body in state there. We went up about six o'clock, thinking the crowd would not be so large. But at that time, the line four breast extended over two blocks, and by the time we had reached the Capitol steps and could look back at the crowd, it extended up on one side of the park, down another side, then the third side of it and on beyond the Capitol Building where we could see no farther, so I don't know how much longer it was. It was perfectly beautifully managed, and there was no crowding, and everyone, strangely enough, acted as though they really were there to pay respect to the memory which that body was to represent to the country.''

As a postscript, Miriam Felt wrote: ''Give my love to Grandpa. Sorry he isn't feeling up to par. Tell him to be a good boy. Tell him too that some of his old 'cronies' marched to Arlington Friday and they looked mighty fine, I'll tell you, and I thought a lot about what he did for his country.''

November 11 is a time for us to reflect on what the men and women of the United States military have and continue to do for the country. The feeling of pride and patriotism expressed in Miriam Felt's letter should be felt by all of us. No longer can we take the freedoms that we enjoy today for granted, and no longer can we take the men and women who fought for those freedoms for granted.

Yes, Madam Speaker, I encourage that we hold aside this day for this purpose only and for no other purpose, except to honor and pay tribute to the men and women of this country who have given and continue to give the last measure of devotion that one might have so that we can continue to enjoy the freedoms that we so rightly deserve.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. TERRY), who is a prime sponsor of the legislation.

Mr. TERRY. Madam Speaker, certainly as Americans, especially now, we owe the men and women who served our country in times of war a tremendous debt of gratitude. Simply put, we cannot do enough to thank them for their contributions to our great Nation. We cannot do enough to honor them for their dedication to the principles of freedom and liberty which our families enjoy.

To that end, we set aside one day each year, November 11, to recognize the contributions of American war veterans to this great Nation. We keep one day to be mindful of their sacrifices and the sacrifice of their families. Veterans Day is for them, and now the sanctity of that day is in jeopardy.

Just to tell my colleagues a story, last Veterans Day, just a few weeks ago, I attended several ceremonies; and one of the speakers got up at the ceremony in our memorial park in Omaha, Nebraska, and said to the attendees, If Congress has their way, this will be the last time we meet.

He went on to say that combining Veterans Day with election day is a little bit like combining Christmas and Halloween. I do not necessarily agree with his analogy, but the point was well taken.

Whenever I would attend the VFW groups, American Legion clubs at home, this issue was always brought up about protecting the sanctity of the one day a year that we put aside to thank these folks; but somehow some folks here in Washington have been sidetracked. There was an election commission that perhaps one of their recommendations was combining Veterans Day with election day to increase voter turnout. Some people up here on Capitol Hill endorsed that idea. It was a balloon that was floated, and somehow then that became what Congress was going to do to these folks who sacrificed their time and their lives for America.

Today, we have the opportunity then to take something that has just grown way out of proportion and set the record straight, that we in this body wish to see a day of reflection for our veterans who triumphed, who sacrificed; that we will pay tribute to them on that one day a year that we have set aside, the 11th day of the 11th month of each year.

I do not, Madam Speaker, nor do the proud veterans and the proud Americans of the second district, wish to see this date moved or blended in with some other holiday or event. The fact is that Veterans Day holds a patriotic duty for Americans to recognize the commitment of American veterans to duty, honor, freedom and liberty.

Election day is a day of civic obligation, dedicated to separate purposes, and combining this day with others would simply be to disrespect what they have done for us.

I urge my colleagues to vote yes on this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from Illinois (Mr. DAVIS) for yielding me the time, and I thank the distinguished gentlewoman from Maryland (Mrs. MORELLA), as well the sponsor of this legislation; and I rise enthusiastically to support this legislation.

I come from a family of veterans, particularly having served in World War II; and every Veterans Day I look forward to embracing and celebrating with my community, with Houston and Houstonians, the veterans that have offered themselves for service so that I might live in freedom.

It is true that veterans everywhere deserve our honor and appreciation. They deserve the parades and the accolades. Now more than ever, as we live in the shadow of September 11 and realize that we collectively must fight terrorism, Veterans Day must be promoted and celebrated because even today we have young men and women going forth to protect our rights.

I have legislation, H.R. 934, which specifically indicates that the possibility of an election day holiday should not be on Veterans Day, and I rise enthusiastically to confirm the importance of voting, but likewise to ensure that no election holiday would take Veterans Day and that we would work to ensure that the sacrifice of our veterans is singularly honored on November 11 every year and that as we fight to ensure that there is opportunity for access to the voting booth that we can do that side by side.

Just this past weekend, Houston, Texas, experienced a very tough election; and that election was that of our city leader, Mayor Lee P. Brown. Many of us are well aware of his leadership in Washington. We base the success of his victory on simply encouraging people to express their viewpoint in getting out to vote.

□ 1845

That is all we want to do, to ensure that the improprieties and the injustices that eliminated people's rights to vote are corrected. We can do that side by side as we protect the veterans' holiday of November 11. So I also ask my colleagues to consider 934. H.R. 934 protects Veterans Day, November 11, as a singular holiday, and it promotes the idea of an election holiday separate and apart from November 11.

I am very gratified for the sponsor of this legislation, and I rise in enthusiastic support of this legislation. I believe that the causes and the purposes of H. Res. 298 are those that this body can collectively support as we pay tribute to our veterans yesterday, today and tomorrow, and then that we also acknowledge the privilege of voting and ensuring that people have the right to vote, and a special day to vote separate, but a day apart from any day we would honor our veterans.

To our veterans I say: You are, in fact, our first responders of freedom and justice and equality.

Mrs. MORELLA. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), who has sponsored such legislation.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise today, along with my colleague, the gentleman from Nebraska (Mr. TERRY), to offer House Resolution 298, a resolution expressing the sense of this body that Veterans Day should be observed as a separate, distinct national holiday, and I thank the gentleman from Nebraska for all of his work in the interest of so many Members.

Madam Speaker, after the turmoil of last year's national election, President Bush rightly called for the creation of a National Commission on Federal Election Reform, chaired by two of his esteemed predecessors, President Ford and President Carter. Under their able leadership, this commission studied the lessons of that election and formulated a 13-point plan for reform. While they raised many valid points, I respectfully disagree with their third recommendation: that this Congress enact legislation to combine Election Day with Veterans Day.

As we know in this House, held on the 11th day of the 11th month, a date which marks the armistice which ended the Great War of 1918, Veterans Day began as a day to honor those who fought for freedom with the allies in Europe during World War I. It was later expanded after America's participation in World War II to include those veterans. But it was not until after the Korean War in 1954 that November 11 became a day set aside to honor all those who have worn our Nation's uniform and who have fought and died to preserve the ideals and values we hold most dear.

Now, as a way to increase voter participation and enable more public spaces to be used as polling sites, this commission and others have seized upon the idea of merging Election Day with Veterans Day. This idea is well intentioned but dead wrong. As a New Jersey resident and former national commander of the Veterans of Foreign Wars, Bob Wallace, wrote to me in September, ''We believe that any suggestion or consideration of Veterans Day serving as Election Day would significantly diminish Congress' original intent to honor the men and women who served in the Armed Forces.'' As a fellow veteran, I agree.

Bob also said, and I quote, ''The historical significance of Veterans Day should remain just that, a day to solemnly honor America's veterans for their patriotism and willingness to sacrifice all for freedom.'' It could not be said better. This is the reason we have sponsored this legislation, and I urge the Members of this House to support it.

Mr. DAVIS of Illinois. Madam Speaker, I continue to reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of this legislation expressing the sense of the House that Veterans Day should be observed on November 11 and be separate from any other Federal holiday. I urge my colleagues to lend their strong support to this bill.

I thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership in bringing the measure to the floor at this time, as well as the ranking minority member, the gentlewoman from the District of Columbia (Ms. NORTON), for her work. I also commend the sponsors, the gentleman from Nebraska (Mr. TERRY) and the gentleman from New Jersey (Mr. FRELINGHUYSEN), for their work on this legislation.

In recent years, there have been a number of proposals to merge Veterans Day with Election Day as one Federal holiday in order to encourage the maximum number of voters to go to the polls. While I support increasing voter participation in elections, I believe that proposals along those lines would be an insult and disrespectful to the contributions and service performed by our Nation's veterans.

For many years, we have had a unique, separate holiday for those who gave the ultimate sacrifice in the service of their Nation during our Nation's many military conflicts. It is only fitting that we continue to have a separate holiday for the living who served their country in military service.

Madam Speaker, those who want to encourage election reform by establishing a new Federal holiday can be heard on that subject. However, the service of our veterans should not be diminished in any manner by having Veterans Day share its honor with another Federal holiday observance. November 11, the day honoring our veterans of our Armed Forces, should remain solely a day to honor their contributions and their loyalty to our Nation.

Accordingly, I urge my colleagues to join in supporting this timely and appropriate measure.

Mr. DAVIS of Illinois. Madam Speaker, I continue to reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who chairs the Committee on Veterans' Affairs.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Madam Speaker, I rise today in very strong support of this resolution, H. Res. 298, calling for Veterans Day to remain a distinct Federal holiday observed every year on November 11.

Eighty-three years ago, in a forest northeast of Paris, an armistice was signed that ended the fighting in World War I commencing on the 11th hour of the 11th day of the 11th month of 1918. The war to end all wars was over. It had been won through the selfless service and sacrifice of tens of thousands of American men and women, joining together with millions of our British, French, and other allies.

To commemorate this historic event, the following year, President Woodrow Wilson, who I would note parenthetically was a former New Jersey Governor, issued a proclamation declaring November 11 Armistice Day, saying that, and I quote, ''The reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with the gratitude for the victory.'' Following World War II, Armistice Day was renamed Veterans Day to honor all those men and women who served a grateful Nation.

Madam Speaker, as chairman of the House Committee on Veterans' Affairs, I am unalterably opposed to any proposal that would alter or in any way diminish Veterans Day. In particular, I stand in opposition to the recommendation of the National Commission on Federal Election Reform that Federal elections be held concurrently with Veterans Day.

While I, like every other Member of this House, want citizens to fully exercise their franchise and to vote, I do not believe diluting Veterans Day is a way to achieve that end. Such a change would defeat the purpose of reserving a day in the year to honor all men and women, living and deceased, who have risked their lives to defend our Nation.

Veterans Day, especially when it is coupled with Memorial Day, the day we honor our war dead and those who have died who served honorably, are 2 days, and it is the least we can do, I would say, Madam Speaker. And, again, to diminish it would be wrong.

In 1987, Madam Speaker, Congress made a similar mistake when legislation was approved to change the national Veterans Day observance from November 11 to the fourth Monday in October to create a 3-day weekend for Federal employees. This misguided policy was quickly abandoned following a national outcry from millions of Americans, veterans and nonveterans alike.

Madam Speaker, Veterans Day is more than just a holiday. It is a continuing history lesson for all Americans. It is a reminder that freedom is not free; that our liberties, which are endowed by our Creator, must be defended against all who would remove them.

This is a very good resolution and I urge strong support for it.

Mrs. MORELLA. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. JEFF MILLER), one of our newest Members of this august body.

Mr. JEFF MILLER of Florida. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise today in support of H.R. 298.

In respect and recognition of the contributions our servicemen and women have made to the cause of peace and freedom around this world, the laws of the United States make November 11 a Federal holiday in honor of every American who has served this country. While we always appreciate the men and women of the military, it is altogether fitting that we set a time aside to do so publicly. Veterans Day was established for this reason, and November 11 should be set aside for this reason alone.

Throughout the course of American history, nearly 48 million men and women have stepped forward to defend our land, our people, and our principles. Today, there are more than 25 million living veterans who served our Nation, many of them willingly entering harm's way to preserve, protect, and defend our freedom. The strength of the United States is a direct result of their courageous, patriotic, and dedicated service for which we can never fully thank them.

Because of their service to the United States in the cause of freedom and liberty, we are citizens of the greatest Nation in the history of the world. I thank our veterans for their dedicated service to our country, and I also thank their families for sharing their loved ones throughout the years. The excellence of our veterans is a model for men and women everywhere who are asked to defend our country. At this moment, men and women of the Army, the Navy, the Air Force, Marines, and Coast Guard are serving around the world, and they could have no better example to follow or tradition to live up to.

I urge my colleagues to vote in favor of this resolution and to retain this fitting honor for all of our veterans.

Mrs. MORELLA. Madam Speaker, I yield myself the balance of my time.

The 3 million members of the American Legion and the 100,000 members of the Noncommissioned Officers Association support this resolution. It is also supported by the 370,000 members of the Retired Officers Association, the 1 million members of the Disabled American Veterans, the 2 million members of the Veterans of Foreign Wars, the members of the Vietnam Veterans Association, the members of the Retired Enlisted Association, and the members of AMVETS.

I do again want to thank the gentleman from Nebraska (Mr. TERRY) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) for introducing this resolution, as well as the gentleman from Indiana (Mr. BURTON), who chairs the Committee on Government Reform, as well as the gentleman from California (Mr. WAXMAN), the ranking member, for having this resolution come to the floor so promptly.

I urge all Members to stand with our Nation's veterans and their organizations in support of House Resolution 298.

Ms. JACKSON-LEE of Texas. Thank you, Madam Speaker and Congressman TERRY, for this important resolution which expresses the sense of the House that Veterans Day should continue to be observed on November 11.

Under current law, November 11 of each year is designated as Veterans Day, a federal holiday honoring veterans of the U.S. Armed Forces. This important tradition began in honor of November 11, 1918—the 11th hour of the 11th day of the 11th month in which Americans began laying down their arms. In 1921, this day marked the burial of an unknown World War I American soldier who was buried in Arlington National Cemetery. Historically, similar ceremonies occurred in England and France where an unknown soldier was buried in each nation's highest place of honor. These memorial gestures all took place on November 11.

Armistic Day officially received its name in America in 1926 through a Congressional resolution (44 Stat. 1982). In 1938 it became a national holiday by an Act (52 Stat. 351; 5 U.S. Code, Sec. 87a) as ''a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as 'Armistice Day.' '' Initially, set aside to honor veterans of World War I, in 1954, after World War II, the 83rd Congress amended the Act of 1938 by striking out the world ''Armistice'' and inserting the word ''Veterans'' in order to honor American veterans of all wars.

Just this past Veterans Day, I honored America's veterans and those who gave their lives for America's freedom and democracy at the Veterans Memorial National Cemetery in Houston, Texas. There, I expressed our gratitude to the men and women who have given themselves to national service. Their sacrifice, particularly in light of the September 11 attacks and the ongoing war on terror, reminds us that we cannot take our freedoms and democracy for granted. This important day should be preserved and honored at all costs.

I am a product of America's veterans and have several members of my own family who were veterans of World War II. For them and for all the veterans of this great Nation, I oppose any holiday or Election Day on Veterans Day. That's why, on March 7, 2001 I introduced H.R. 934 which ensures that Election Day never interferes with Veterans Day.

It is because of the sacrifices made by our veterans for freedom, the flag, and the American people that we are today able to vote, and that I was able to introduce this legislation which provides a greatly needed federal Election Day. It establishes Presidential Election Day on the Tuesday next after the first Monday in November in 2004 and each fourth year thereafter, as a legal public holiday.

This resolution before us today, H. Res. 298 expresses the sense of the House that Veterans Day should continue to be observed on November 11, as under current law, and separate from any other federal holiday. This is an important message, needed to express to our Nation's veterans and those across this great Nation that we will forever remember and honor those who have served in our Armed Forces.

I strongly urge my colleagues to support it.

Mrs. CHRISTENSEN. Madam Speaker, November 11th is Veterans Day period.

On behalf of the veterans of the U.S. Virgin Islands, who have fought in every one of this country's wars from the Revolutionary war forward, I support H. Res. 298, and commend our colleagues for introducing this resolution expressing the sense of the House, that this day would forever be set aside as the day we honor those who have so nobly served this country and all of us. That is as those from my district would have it.

What a small concession from the country to those who have sacrificed and been willing to fight unto death—willing to make the ultimate sacrifice. But it is of great importance and significance to them.

November 11th is Veterans Day, period. Let's not fix what ain't broke.

Mrs. KELLY. Madam Speaker, I want to rise in support of this measure which reminds us of the importance of honoring our nation's veterans.

In light of our current circumstances, with American soldiers now on hostile ground, we ought to be especially mindful of our efforts to acknowledge and honor those who have served our country.

While I understand that some may see this annual day of honor also as a day of convenience, an already-established holiday that can be used for other purposes, I believe that any effort to place any other designations on this day is unacceptable. These are our veterans. These are the men and women who have put the well-being of their country ahead of their own. It is not asking too much to have one day a year dedicated solely to their efforts.

Our veterans deserve it.

Mrs. MINK of Hawaii. Madam Speaker, I rise today in support of House Resolution 298, expressing the sense of the House that Veterans Day should be observed on November 11th and separate from any other federal holiday.

Veterans Day originated in 1920 and was originally named Armistice Day to mark the end of World War I on the 11th month, the 11th day, and the 11th hour of 1918. In 1954 Congress broadened the holiday by renaming it Veterans Day to honor American veterans of all wars.

In Presidential Proclamation 3071, President Dwight D. Eisenhower called on the nation to set aside Veterans Day to ''solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom.'' He challenged the nation to ''reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.''

On Veterans Day we meet that challenge and honor the 405,399 Americans that lost their lives in World War II, the 58,198 that lost their lives in Vietnam, and thousands of others that lost their lives in all other conflicts. Despite the need to protect the purposes of Veterans Day, the National Commission on Federal Election Reform recommended that Congress enact legislation to conduct federal elections on Veterans Day. We must not diminish the importance of Veterans Day by sharing Veterans Day with any other even which distract our attention from the veterans who have served this country.

Veterans Day is a sacred day to honor veterans for their patriotism, love of country and willingness to make sacrifice for our nation.

I urge my colleagues to vote for House Resolution 298 and maintain the integrity of the day set aside to focus the nation's attention on the important sacrifices made by Veterans.

Mr. EVANS. Madam Speaker, I rise in strong support of House Resolution 298 and urge all of my colleagues to support this important measure. Mr. Speaker the purpose of House Resolution 298 is simple, but it is as profound as it is simple.

House Resolution 298 expresses the sense of the House of Representatives that Veterans Day should continue to be observed on November 11th. In addition, Veterans Day should be observed separate and apart from any other Federal holiday or day for Federal elections or national observances. Our nation has a long-standing tradition of honoring our veterans on November 11th. As many know, the observance of Veterans Day on November 11th has historic significance. On the 11th hour of the 11th day of the 11th month, the guns used to wage World War I were officially silenced. This day, Armistice Day, became known as Veterans Day as our nation recognized the sacrifice and service of all our Nation's veterans.

Veterans Day should be preserved and continue to be the day our nation pauses to recognize all veterans. Let us retain November 11th as Veterans Day and honor all those who have served our nation in uniform.

Mrs. MORELLA. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 298.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TERRY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRIMINAL JUSTICE COORDINATING COUNCIL RESTRUCTURING ACT OF 2001

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2305) to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Criminal Justice Coordinating Council Restructuring Act of 2001''.

SEC. 2. AUTHORIZING FEDERAL OFFICIALS ADMINISTERING CRIMINAL JUSTICE SYSTEM OF DISTRICT OF COLUMBIA TO PARTICIPATE IN CRIMINAL JUSTICE COORDINATING COUNCIL.

(a) IN GENERAL.—Each of the individuals described in subsection (b) is authorized to serve on the District of Columbia Criminal Justice Coordinating Council, participate in the Council's activities, and take such other actions as may be necessary to carry out the individual's duties as a member of the Council.

(b) INDIVIDUALS DESCRIBED.—The individuals described in this subsection are as follows:

(1) The Director of the Court Services and Offender Supervision Agency for the District of Columbia.

(2) The Director of the District of Columbia Pretrial Services Agency.

(3) The United States Attorney for the District of Columbia.

(4) The Director of the Bureau of Prisons.

(5) The chair of the United States Parole Commission.

(6) The Director of the United States Marshals Service.

SEC. 3. ANNUAL REPORTING REQUIREMENT FOR CRIMINAL JUSTICE COORDINATING COUNCIL.

Not later than 60 days after the end of each calendar year, the District of Columbia Criminal Justice Coordinating Council shall prepare and submit to the President, Congress, and each of the entities of the District of Columbia government and Federal government whose representatives serve on the Council a report describing the activities carried out by the Council during the year.

SEC. 4. FEDERAL CONTRIBUTION FOR COORDINATING COUNCIL.

There are authorized to be appropriated for fiscal year 2002 and each succeeding fiscal year such sums as may be necessary for a Federal contribution to the District of Columbia to cover the costs incurred by the District of Columbia Criminal Justice Coordinating Council.

SEC. 5. DISTRICT OF COLUMBIA CRIMINAL JUSTICE COORDINATING COUNCIL DEFINED.

In this Act, the ''District of Columbia Criminal Justice Coordinating Council'' means the entity established by the Council of the District of Columbia under the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration, H.R. 2305.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

□ 1900

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2305, as amended, formally establishes the Criminal Justice Coordinating Council, a joint Federal-local effort designed to foster cooperation among the various agencies that have law enforcement responsibility in our Nation's capital. I introduced this measure in June of this year, was joined by the gentlewoman from the District of Columbia (Ms. NORTON) as the original cosponsor of H.R. 2305. The bill was amended in subcommittee, and that is the version that we are now considering.

The amended bill authorizes the heads of six Federal agencies, the Court Services and Offender Supervision Agency for the District of Columbia, the District of Columbia Pretrial Services Agency, the U.S. Attorney for the District, the Bureau of Prisons, and the U.S. Parole Commission, as well as the U.S. Marshal Service, to meet regularly with District law enforcement officials. It also requires the CJCC to submit an annual report detailing its activities to the President, Congress and the appropriate Federal and local agencies.

The District of Columbia Financial Responsibility and Management Assistance Authority, known as the Control Board, originally established the CJCC 3 years ago through a memorandum of agreement. Cooperation between Federal and local law enforcement agencies has become even more critical in recent years because the Federal Government has assumed the responsibility of the District of Columbia courts and corrections functions under the 1997 Revitalization Act.

The CJCC is important because it brings the leaders of all participating agencies to the same table. They will work at getting rid of the interagency obstacles that are hindering attainment of the District of Columbia's criminal justice objectives. There are more than 30 law enforcement agencies with a presence in the Nation's Capital. There are 13 governmental agencies that have a direct role in the criminal justice activities in the District from arrest and booking to trial and correctional supervision. Four of these are city agencies such as the Metropolitan Police Department, six are Federal agencies such as the Office of the U.S. Attorney for the District of Columbia. And, finally, there are three agencies, Superior Court, Defender Services, and Office of the Corrections Trustee that are local in nature but are funded by the Federal Government.

There is plenty of evidence, including recent reports from the GAO and the Council for Court Excellence, that shows that these individual agencies of the District of Columbia's criminal justice system are not always working in concert; and as a result, efforts at reform have sometimes stalled.

Some prime examples of the lack of coordination have been in the area of police overtime. According to the General Accounting Office the Metropolitan Police Department continues to

lose millions of dollars each year because officers are waiting for court appearances or to consult with the U.S. Attorney's Office. The agencies use 70 different information technology systems that are not linked to one another. And most tragically, miscommunication among agencies have led to mistakes in correctional supervision, sometimes with fatal consequences. For instance, the killing of Bettina Pruckmayr, who was robbed and stabbed 38 times in 1995 by a convicted murderer who should have had his parole revoked on a drug charge but for the failures of the criminal justice system. This shows a terrible waste of human and monetary resources which I hope will be corrected by the CJCC.

With proper funding and structure, I believe the Criminal Justice Coordinating Council can be a very useful tool in fostering interagency cooperation. Not only can it assist in making day-to-day operations of the various criminal justice agencies more efficient, but in doing so the CJCC can help ensure that broader policy goals such as reducing violent crime and meting out justice more swiftly are also accomplished.

The language of H.R. 2305, as amended, reflects the input received from the Department of Justice. I thank the Department for its suggestions.

I recognize the gentlewoman from the District of Columbia (Ms. NORTON) for her support of this legislation; and I would particularly like to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), for his interest in issues affecting the District of Columbia and his help in bringing this important legislation affecting our Nation's capital expeditiously to the floor. I also thank the gentleman from California (Mr. WAXMAN) of the full committee. I urge all Members to support H.R. 2305.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2305, the Criminal Justice Coordinating Council Restructuring Act of 2001, a bill to strengthen the District of Columbia's Criminal Justice Coordinating Council by ensuring Federal participation and funds.

I also thank the Chair of the D.C. subcommittee, the gentlewoman from Maryland (Mrs. MORELLA), for working closely with the ranking member, the gentlewoman from the District of Columbia (Ms. NORTON), to develop this measure.

In 1998, the District of Columbia's financial authority created the D.C. Criminal Justice Coordinating Council. The goal of the CJCC was to coordinate criminal justice activities between the various Federal and D.C. agencies that have responsibility for different aspects of the criminal justice system in the District of Columbia. This coordination is essential because following the passage of the District of Columbia Revitalization and Self-Government Improvement Act in 1997, most of the District's criminal justice entities were either Federal agencies or D.C. agencies funded by the Federal Government.

Currently, there are 13 agencies with responsibility for some aspect of D.C.'s criminal justice system. All of these agencies are members of the CJCC, in addition to the Mayor's office and the Council of the District of Columbia. The goal of the CJCC is to provide a forum to identify and resolve coordination issues that arise in the District of Columbia's criminal justice system and to help implement critical justice reforms.

The Criminal Justice Coordinating Council Restructuring Act meets the legitimate concerns by District actors and the CJCC not to become a super agency while at the same time ensuring that supremacy clauses and federalism notions are respected. Specifically, the bill recognizes the Criminal Justice Coordinating Council as the appropriate entity set up by District legislation, the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to coordinate criminal justice activities in the District.

In addition, the bill requires that Federal agencies with a role in criminal justice matters in the District, including Court Services and Offender Supervision, Pretrial Services Agency, Office of the U.S. Attorney, the Bureau of Prisons and the United States Patrol Commission, serve on the CJCC, participate in its activities, and take such action as may be necessary to fulfill their duties on the CJCC.

However, in keeping with the mandates, no District official can compel a Federal official to take any action. The bill also authorizes Federal funds to carry out the duties of the CJCC. This measure will strengthen and enhance the CJCC as a vital coordination entity for the District's multi-jurisdictional criminal justice system.

Madam Speaker, I again thank the gentlewoman from Maryland (Mrs. MORELLA) for her work in bringing this important legislation to the floor. I urge its passage.

Madam Speaker, I include for the RECORD the statement of the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I rise in strong support of H.R. 2305, the Criminal Justice Coordinating Council Restructuring Act of 2001, a bill to strengthen the District of Columbia Criminal Justice Coordinating Council by ensuring federal participation and funds. I want to thank the Chair of the D.C. Subcommittee, Representative CONNIE MORELLA, for working closely with me to develop this measure.

In 1998, the District of Columbia Financial Authority (control board) created the D.C. Criminal Justice Coordinating Council (CJCC). The goal of the CJCC was to coordinate criminal justice activities between the various federal and D.C. agencies that have responsibility for different aspects of the criminal justice system in D.C. This coordination is essential because following the passage of the District of Columbia Revitalization and Self Government Improvement Act (Revitalization Act) in 1997, most of the District's criminal justice entities are either federal agencies, or D.C. agencies funded by the federal government. In the Revitalization Act, the District exchanged its traditional static federal payment for the federal funding of several functions normally funded by states. These functions included such criminal justice matters as prisons, offender supervision, public defender service, and courts.

Currently, there are 13 agencies with responsibilities for some aspect of D.C.'s criminal justice system. These agencies can be broken down into three categories: (1) D.C. agencies that are D.C. funded: the Metropolitan Police Department, Office of the Corporation Counsel, Department of Corrections, and Office of the Chief Medical Examiner; (2) federal agencies that are federally funded: the Office of the U.S. Attorney, the Bureau of Prisons, the U.S. Marshals Service, the U.S. Parole Commission, Court Services and Offender Supervision Agency, D.C. Pretrial Services Agency; and (3) D.C. agencies that are federally funded: the Superior Court, the Public Defender Service and the Office of the Corrections Trustee.

All of these agencies are members of the CJCC in addition to the Mayor's Office and the Council of the District of Columbia. The goal of the CJCC is to provide a forum to identify and resolve coordination issues that arise in the D.C. criminal justice system and to help implement criminal justice reforms.

The Fiscal Year 2000 District of Columbia Appropriations Act mandated that the General Accounting Office (GAO) perform a study to examine the effectiveness of coordination among the various entities charged with the operation of the District's criminal justice system. GAO released its report, entitled D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies in March 2001.

On May 11, 2001, the D.C. Subcommittee held an oversight hearing to examine the coordination of criminal justice activities in the District of Columbia and the GAO report.

GAO found that the CJCC is the ''primary venue in which D.C. criminal justice agencies can identify and address interagency coordination issues.'' The CJCC has worked on many such issues, including positive identification of arrestees, halfway house operations, and drug treatment of defendants. GAO praised the CJCC for its work on coordination projects where all participants stood to gain, such as data sharing and technology issues among agencies. However, GAO found that the CJCC was less successful on projects where one agency stood to gain at the expense of another, because the CJCC operates by the consent of the members and does not contain an enforcement mechanism.

GAO cited numerous projects where poor coordination led to inefficient operations and poor program performance. One example discussed at length in GAO report is case processing. In the District of Columbia, as many as six agencies are responsible for processing a case before a court appearance on a felony charge can occur. Unlike many jurisdictions,

the U.S. Attorney's office requires officers to meet with prosecutors personally before they determine whether to charge an arrestee with a felony or misdemeanor. GAO found that during 1999, the equivalent of 23 full time officers were devoted to these appearances, reducing the number of officers on patrol.

GAO cautioned that although the CJCC had been funded by the D.C. control board, the board did not include funding for the CJCC in the District's Fiscal Year 2001 budget. The last remaining staff person, working almost exclusively on technology issues, was funded by a grant. GAO recommended that ''Congress . . . consider funding CJCC—with its own director and staff—to help coordinate the D.C. criminal justice system, and to require CJCC to report annually to Congress, the Attorney General, and the D.C. Mayor.''

In addition, GAO found that as of November 2000, the CJCC and other agencies reported ''93 initiatives for improving the operation of the [D.C. criminal justice] system.'' Although GAO stipulated that many of these coordination projects are ongoing and therefore cannot yet be fully evaluated, it found that of the 93 current projects there were 62 instances where participating agencies did not agree on the initiative's goals (11 instances), status (10 instances), starting date (1 instance), participating agencies (22 instances), or results to date (18 instances).

Several of the CJCC members disputed these findings, explaining that GAO did not examine closely enough the actual work performed on these projects and merely relied on summaries provided by the participants that may have appeared inconsistent. However, GAO found that ''this lack of agreement underscores a lack of coordination among the participating agencies that could reduce the effectiveness of these initiatives.'' GAO therefore recommended that Congress require all D.C. criminal justices agencies to report multi-agency activities to the CJCC, which would serve as a ''clearinghouse'' for these initiatives.

Although members of the CJCC agree that coordination among the various agencies that have responsibility for the District's criminal justice system needs to be improved, several members disagreed with GAO's recommendation for a congressionally created and funded entity to oversee coordination and reform initiatives.

For example, Deputy Mayor Margaret Nedelkoff Kellems, formerly the Executive Director of the CJCC, wrote in response to the GAO report, ''It has been my experience [however] that to the extent that reforms have taken root in the District through the CJCC, it has been not only because of coordination resources, but equally because the member agencies have felt ownership over the body. As reporting to the new entity you describe becomes a requirement, criminal justice agencies might perceive it to be threatening and respond on a perfunctory basis. Nevertheless, I concur in your basic premise that there must be a coordinating organization and it must have dedicated resources.''

Similarly, Superior Court Chief Judge Rufus King wrote, ''it is important that any successor [to the CJCC] not become a ''superagency'' which dictates to the different criminal justice agencies what the agenda should be or how problems which involve more than one agency should be approached . . . The most important thing to preserve in any newly constituted council is that it remain a council of independent agencies who are able to recognize their responsibilities to different funding authorities.''

Finally, former U.S. Attorney Wilma Lewis offered the following criticism of GAO's recommendation: ''I have some concern about your proposal that Congress 'consider requiring that all D.C. criminal justice initiatives that could potentially involve more than one agency be coordinated through the new independent entity' . . . I question whether such review is necessary for all initiatives that could potentially involve more than one agency. Given the interrelatedness of agencies in our system, it is difficult to think of any initiative—no matter how limited in scope or application—that would not fit that definition and require review by that entity. As such, I am concerned that such a requirement would be counterproductive, as it would hamstring each agency's ability to implement policies and practices within its appropriate sphere of activity.''

The Criminal Justice Coordinating Council Restructuring Act meets these concerns of District actors while at the same time ensuring that supremacy clause and federalism notions are respected. Specifically, the bill recognizes the Criminal Justice Coordinating Council (CJCC) as the appropriate entity set up by District legislation (the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001) to coordinate criminal justice activities in the District. In addition, the bill requires that federal agencies with a role in criminal justice matters in the District, including Court Services and Offender Supervision (CSOSA), Pretrial Services Agency, Office of the U.S. Attorney, the Bureau of Prisons, and the United States Parole Commission, serve on the CJCC, to participate in its activities and take such action as may be necessary to fulfill their duties on the CJCC. However, no District official can compel a federal official to take any action. The bill also authorizes federal funds to carry out the duties of the CJCC.

This measure will strengthen and enhance the CJCC as a vital coordination entity for the District's multi-jurisdictional criminal justice system. I once again thank Chairwoman MORELLA for her leadership in bringing this important legislation to the floor. I urge its passage.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the gentlewoman from the District of Columbia (Ms. NORTON) for joining with me in this important act, and I thank the gentleman from Illinois (Mr. DAVIS) for being a floor manager and for being so supportive of this legislation. I urge this body to endorse this bill by its vote.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2305, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to authorize certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on three motions to suspend the rules on which further proceedings were postponed earlier today. The remaining questions postponed earlier today will be taken tomorrow.

Votes will be taken in the following order:

H.R. 3323, by the yeas and nays;

H.R. 3391, by the yeas and nays;

S. 494, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ADMINISTRATIVE SIMPLIFICATION COMPLIANCE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3323, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3323, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 466]

YEAS—410

Abercrombie	Boehlert	Chabot
Ackerman	Boehner	Chambliss
Aderholt	Bonilla	Clay
Akin	Bonior	Clayton
Allen	Bono	Clement
Andrews	Boozman	Clyburn
Armey	Borski	Coble
Baca	Boswell	Collins
Bachus	Boucher	Combest
Baird	Boyd	Condit
Baker	Brady (PA)	Conyers
Baldacci	Brown (OH)	Cooksey
Baldwin	Brown (SC)	Costello
Ballenger	Bryant	Cox
Barcia	Burr	Coyne
Barrett	Burton	Cramer
Bartlett	Buyer	Crane
Barton	Callahan	Crenshaw
Bass	Calvert	Crowley
Becerra	Camp	Culberson
Bentsen	Cannon	Cummings
Bereuter	Cantor	Cunningham
Berkley	Capito	Davis (CA)
Berry	Capps	Davis (FL)
Biggert	Capuano	Davis (IL)
Bilirakis	Cardin	Davis, Jo Ann
Bishop	Carson (IN)	Davis, Tom
Blumenauer	Carson (OK)	Deal
Blunt	Castle	DeGette

Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barr
Berman
Blagojevich
Brady (TX)
Brown (FL)
Cubin
DeFazio
Engel
Houghton
Istook
Jones (OH)
Kucinich
LaTourette
McKinney
Meehan
Pelosi
Quinn
Radanovich
Reyes
Riley
Roukema
Rush
Waxman

□ 1935

Mr. PAUL changed his vote from ''nay'' to ''yea''.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr BRADY of Texas. Mr. Speaker, on roll-call No. 466, I was inadvertedly detained. Had I been present, I would have voted ''yea.''

MEDICARE REGULATORY AND CONTRACTING REFORM ACT OF 2001

The SPEAKER pro tempore (Mr. CULBERSON). The pending business is the question of suspending the rules and passing the bill, H.R. 3391.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Connecticut (Mrs. JOHNSON) that the House suspend the rules and pass the bill, H.R. 3391, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 467]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden

Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Barr
Berman
Blagojevich
Brown (FL)
Cubin
DeFazio
Engel
Houghton
Istook
Jones (OH)
Kucinich
LaTourette
McKinney
Meehan
Nussle
Pelosi
Quinn
Radanovich
Reyes
Riley
Roukema
Rush
Shaw
Waxman
Weller

□ 1946

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER. Mr. Speaker on rollcall No. 767 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. NUSSLE. Mr. Speaker, on rollcall No. 467 I was unavoidably detained. Had I been present, I would have voted ''yea.''

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the Senate bill, S. 494, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 494, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 11, not voting 26, as follows:

[Roll No. 468]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Akin
Berry
Coble
Collins
Deal
Goode
Hostettler
Paul
Schaffer
Sensenbrenner
Taylor (MS)

NOT VOTING—26

Barr
Berman
Blagojevich
Brown (FL)
Buyer
Cubin
DeFazio
Engel
Houghton
Istook
Jones (OH)
Kilpatrick
Kucinich
LaTourette
McKinney
Meehan
Pelosi
Pomeroy
Quinn
Radanovich
Reyes
Riley
Roukema
Rush
Shaw
Waxman

□ 1954

Mr. BERRY changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, DECEMBER 5, 2001

Mr. NUSSLE. Madam Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, December 5, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Con. Res. 232, H.R. 3248, H. Con. Res. 280, H.R. 3322, H.R. 2238, H.R. 2115 and H.R. 2538.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. NUSSLE. Madam Speaker, I offer a resolution (H. Res. 301) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Transportation and Infrastructure: Mr. Boozman.

Veterans' Affairs: Mr. Boozman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Without objection, pursuant to section 491 of

the Higher Education Act (20 U.S.C. 1098(c)), and upon the recommendation of the majority leader, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term to fill the existing vacancy thereon:

Ms. Norine Fuller, Arlington, Virginia.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MIAMI WELCOMES DOLE FRESH FLOWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, on December 9 of this year, approximately 300 employees will move into the newly-built world headquarters of Dole Fresh Flowers in Miami's International Corporate Park.

Miami has historically been the U.S. gateway for the floral industry, since the majority of flowers for commercial use are grown just south of us in South America.

Dole entered the flower business just 2 years ago, bringing to this industry 150 years' experience in growing, shipping, and marketing fresh produce around the world.

Dole consolidated four companies into a single entity, to be housed on 17 acres of land in a state-of-the-art facility measuring 328,000 square feet. Nearly 3 million stems of flowers will pass through the facility every day during this holiday season alone.

Employees have been eagerly awaiting the move to this efficient and beautiful new home since its groundbreaking last April.

□ 2000

Miami, and indeed all of our State of Florida, is enthusiastic about having this worldwide brand Dole in our community.

Welcome home, felicidades.

PASSAGE OF FAST TRACK LEGISLATION

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Madam Speaker, I congratulate the flower company for locating in Miami, but I would like to tell my friends that the bloom is off the rose here on Fast Track coming up this Thursday.

Madam Speaker, this Thursday's vote on Fast Track is an ill-timed attempt to force a divisive issue on our Nation when we least can afford it. Last week, the United States was officially declared in recession. Job losses are skyrocketing as a result of the faltering economy and the September 11 attacks. Workers are unsure of their jobs and unsure of their futures.

Meanwhile, nothing, absolutely nothing, has been done to help these workers. The Republican leadership has blocked effort after effort to address these most important questions that affect working men and women in this country. A meaningful improvement of unemployment compensation laws, any attempt to help expand health care for those who are out of work, and any other assistance that these worker desperately need, we have tried repeatedly month after month to get the leadership on the other side of the aisle to address these questions; and nothing has come from our efforts.

What the Republican leadership has done is use every opportunity available to spend billions of dollars in corporate tax benefits at the expense of working men and women in this country. We are waging war abroad, and we are united in that; but what is happening in this country is that the leadership of the Republican Party is waging war on the workers of this country.

This push for Fast Track is no different. Our flawed trade policies of the last decade have had a devastating toll on American workers. Since 1994, three million U.S. jobs have evaporated as a direct result of our failed trade policies.

In my home State of Michigan, over 150,000 jobs have been lost. Thousands of workers around the country are struggling to keep their jobs right now. They are in danger of becoming tomorrow's job-loss statistics.

It is time we reversed this trend. It is time we woke up and dealt with the crisis that is affecting millions of American workers and their families today. No money and unemployment comp to pay for the rent, to pay for the mortgage, to pay for education, to pay for food. No resources for health care, for members of the workforce or their families.

We do not need more job losses. We do not need more corporate giveaways, and we certainly do not need Fast Track.

I want to thank my colleague, the gentleman from Ohio (Mr. BROWN), for organizing this important discussion which we will have a little later on this floor tonight and for his work to highlight the efforts of Fast Track will have on all of our workers, including our farmers. Madam Speaker, many farmers are already reeling from bad trade deals. It is the same tune; it is the same song every time we get one of these things. Whether it is NAFTA or WTO or China, they come and they will offer the world, they will tell people they will fix this and they will fix that; and then the farmers, they get taken in every time on these things, not all of them. Some of them have figured it out, but the numbers prove what we have been saying all along: these trade policies are not good for our agriculture community.

I say to my colleagues, the timing of the Fast Track bill puts many U.S. farm bills in jeopardy once again, and the administration's willingness to put our trade laws on the table after the recent WTO ministerial shows our farmers have just as much to lose as every other worker in this country.

Madam Speaker, I ask that my colleagues look seriously at the proposal that the gentleman from California (Mr. THOMAS) is bringing to the floor. It is flawed. It does not deal with worker rights, environmental rights, farmer rights; and the upshot of all of this is that we will give away much of our authority and power in the United States House of Representatives and in the other body to deal fairly and adequately and substantively with trade laws that will affect not only those areas, labor, environment, agriculture, but a whole host of other areas that affect the American public.

I ask my colleagues to stand with us as we fight this ill-conceived idea of Fast Track.

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OPPOSE FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

Mr. LYNCH. Mr. Speaker, I am indeed new to this body; but I am by no means new to this issue. Prior to the great honor of serving in this body as the elected representative of the 9th Congressional District, I served as an iron worker for 18 years. I worked in the Quincy shipyard just outside of Boston. I worked in the steel mills in Michigan and Illinois, worked in United Auto Workers plants in Framingham, Massachusetts, and again in Michigan.

I have seen a lot of those jobs and a lot of those plants where I worked at one time disappear. I have seen them relocated. Good, highly skilled, well-paying jobs moved mostly to Mexico, but to other countries as well, in a race to find the lowest-paid worker and the least-strong labor standards and environmental standards.

First of all, I want to congratulate the gentleman from Michigan (Mr. BONIOR), as well as the gentleman from Missouri (Mr. GEPHARDT) and my own predecessor, John Joseph Moakley

from Massachusetts, for their great work in fighting against this so-called Fast Track and also against NAFTA, which has served to really lower the working standards in some foreign countries that we are now dealing with as a result of NAFTA and which we seek to expand through this Fast Track legislation.

The proponents of this bill say that this is dearly tied to our fight against terrorism, but that cannot be further from the truth. The truth is, however, that Fast Track would do nothing to address America's security and economic needs in the wake of September 11. It neither rebuilds, nor does it restore the healing that is necessary to occur in this country.

What this does do is create what is in effect a silent auction, and what is being auctioned off here is first of all Congress' responsibility to deal with foreign trade. The United States Constitution says that it requires that Congress shall have the power to regulate commerce with foreign Nations, and it also says that it shall have the power to make all necessary laws proffered for carrying out those powers.

Fast Track changes all that. We give away our rights. We auction off the right to have a lively and open debate and choose instead to allow the U.S. Trade Representative to negotiate these deals in secret. It should be no surprise that this country has not been well served by secret negotiations, and we have proof positive that this is not the way to conduct our trade policy. Look at NAFTA. Look at the recent round of discussions and the latest ministerial pronouncements as a result of the WTO conferences.

There are no guarantees, no enforcement mechanisms for enforcing our labor laws or human rights. There are no mechanisms, no enforcement devices that allow us to enforce safety standards for food and for the environment.

What one does see is great protections for multinational corporations, no protections for American jobs, and this is simply a pattern that we should not follow; we should expand for the sake of following what some describe as free trade, which is not free trade at all, but it is trade that is dictated by unelected bureaucrats who sit in Geneva, Switzerland.

This bill would cut the Congress out of the process. It would eliminate the constitutional obligation that Congress has right now to serve the people.

The American worker should not be forced to compete with auto workers making 67 cents an hour in the maquiladoras just over the Mexican border. The sons and daughters of America should not be forced to compete with slave labor, which Fast Track would allow. The sons and daughters of America, our workers, should not have to compete with child labor, which Fast Track allows.

Tonight, as we have our armed services personnel, our proud sons, fighting on the ground in Afghanistan to restore and to preserve peace at home, we are seeing through this Fast Track legislation the derogation of the very powers that they seek to protect. I ask my colleagues to join me in opposing this Fast Track.

Now, this body stands to turn its back again on the American working men and women by engaging in this Fast-Track procedure.

I am new to public service, prior to the privilege of my office now, I was an ironworker for 18 years; I worked at the Quincy shipyard just outside of Boston, Steel Mills in Indiana, and GM plants in Framingham, and in Michigan. I've seen those jobs disappear with thousands of others because companies could exploit low-wage labor through unfair foreign competition. So, as you can see, I am not new to this issue.

The proponents of this bill, the President, Trade Representative Bob Zoellick, and others, seek to link Fast Track to our Nation's antiterrorism efforts. At times, claiming that not to support this bill is to be less than patriotic.

The truth is, however, Fast Track would do nothing to address America's security and economic needs in the wake of September 11. Fast Track neither rebuilds, nor does it restore, it does not heal and it will not bring America together. Instead it will work to continue to drive America apart—starting with the denial of an open and honest debate on this very floor.

The United States Constitution says Congress shall have the power to regulate commerce with foreign nations; and it shall have the power to make all necessary laws proper for carrying out those powers.

Fast Track is a procedural rule that would obligate us to resign our responsibilities on behalf of our constituents. It makes us give up our rights and responsibilities to the people who sent us here.

Mr. Speaker, I can without a doubt affirm that my constituents did not send me here to give away their rights or allow their voices to be silenced.

And in silence and secret is exactly how these trade negotiations will be carried out under Fast Track. U.S. Trade Representatives, who are not elected by the people, will be deciding and negotiating in closed-door backroom sessions.

It is a troublesome process we endorse by engaging in this Fast-Track procedure and we do not have to look far to see the example of failure in that process. We can look to NAFTA.

We see it in the fact that there are no enforceable labor and environmental standards in NAFTA or in the proposed expansion of NAFTA to 34 other countries under the Free Trade Area of the Americas Act.

While the bill raises the issue of labor standards and raises the issue of environmental protections, enforcement of these issues is recklessly absent.

It is easy to see, Mr. Speaker, exactly who benefits from an extension of NAFTA just by examining the juxtaposition of enforceable worker and environmental rights with the rights of investors.

Most troublesome are the protections that allow corporations to impose rules on the global economy that effectively mute competing voices and values, while undermining the sovereign capacity of a nation to defend its own citizens' broader interests by overriding established rights in domestic law.

We have seen the United States has lost millions of dollars to corporations who have successfully sued States under NAFTA's Chapter 11 bylaws claiming that government efforts to improve environmental standards impeded company rights. These are cases not decided in Federal court but in a NAFTA tribunal—again—behind closed doors. The State of California stands to lose $1 billion to the Methanex Company for trying to enforce laws that keep poisonous carcinogens out of gasoline.

In contrast we have seen what NAFTA has done for families, workers and the environment.

The impact of NAFTA on American jobs and worker's rights in member nations is astounding. In the 8 years of its existence, Trade Adjustment Assistance has tallied 800,000 American workers who have lost skilled, well-paid jobs to import competition under NAFTA, the threat of factory relocations holds down wages for tens of thousands more.

Those who have lost their jobs are working, however—making a fraction of what they used to earn. And their jobs? They're held by workers in Maquiladora earning pennies on the dollar with no breaks, no rights to organize and no laws to keep children in school and out of slave labor. This bill is completely absent of any enforceable standard.

The sons and daughters of America's Greatest Generation should not have to compete with child labor and American workers should not have to compete with slave labor.

The American public should not be faced with the risk posed by the safety hazards and the emissions impacts of the 4 and half million Mexican trucks that travel over the border every year. Not to mention the contents of those trucks.

Less than 2 percent of those trucks—roughly 90,000 are ever inspected. Meaning many enter without the proper safety codes and emissions standards required by all 50 states.

Worse yet, the lack of accountability allows produce and meats to come into this country that do not meet the regulatory standards of the FDA—giving families the unfortunate prospect of not knowing if they're eating off the NAFTA diet.

We have seen examples of that, with the outbreak of Cyclosporiasis in seven States—California, Nevada, Maryland, Nebraska, New York, Rhode Island, and Texas (FDA source)—from the consumption of Guatemalan Raspberries contaminated with parasites. A virus that was allowed into this country because the produce did not undergo the FDA process and the sanitation process that is given to U.S.-grown produce.

It's accountability that is missing from these types of trade agreements. And without it, we are unable to guarantee protections and safeguards for the American worker and the American public.

At issue is not whether America should be part of the global economy but how it should be a part of the global economy. Before riding the fast track to more trade agreements, we ought to address the failures and pitfalls of prior ones.

Putting working families first ought to be a major priority especially in the wake of thousands of lost jobs during this recession. Congress has made bipartisan progress on a whole range of issues since then. What we now need to do is to take advantage of this

high spirit of bipartisanship and put America's trade agreements on the right track by preserving Congress's legislative role; require negotiators to install provisions that will promote workers' rights, and require negotiators to develop trade rules that cannot undercut environmental laws.

We must do whatever we can to recapture the accountability entitled to the American people. The first step in doing that is to defeat fast track. I urge all of my collogues on both sides of the aisle to vote down this bill.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMEMORATING 25TH ANNIVERSARY OF ALLIANCE FOR COMMUNITY MEDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to help celebrate the 25th anniversary of the Alliance for Community Media. This is a nonprofit organization which was founded in 1976 to provide access to voices and opinions that otherwise would not be heard. The alliance promotes this idea through public education, progressive legislation, regulatory outreach, coalition building, and grassroots organizing.

The alliance's primary goal is to educate and advocate on behalf of the community at large. It works with the Federal Communication Commission, Congress, State legislatures, State regulatory agencies, and other partners to ensure that all people, regardless of race, gender, disability, religion or economic status, have access to available technology to express their opinions, to express their views.

In my congressional district back in Chicago and in the western suburbs, I use extensively this media to reach out to my constituents. We do a program called Hotline 21, where citizens can call in and voice their opinions and get answers to their questions. That is a 30-minute one. We do another one that is an hour where individuals come in and talk about public issues, public policy directors, notions, concepts and ideas. As a matter of fact, the group of community producers, individuals who have their own shows, who have learned how to use technology, how to use cameras, as a matter of fact, they have built up quite a following; and everybody knows that whatever it is that they want to get out, they can get it out through this media.

So I again commend the Alliance for Community Media, congratulate them on their 25th year anniversary; and I also congratulate their executive director, Bunnie Riedel, and her associates for having done an outstanding job and for having helped to keep alive the notion that as people talk and interact, share notions, ideas and concepts that really binds us closer together as a Nation, it helps to promote the concepts of democracy and it helps to make America a stronger, more open, more productive Nation.

SUPPORTING THE BIPARTISAN TRADE PROMOTION ACT OF 2001

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Virginia (Mr. CANTOR) is recognized for 60 minutes as the designee of the majority leader.

Mr. CANTOR. Mr. Speaker, I rise today in support of the bipartisan trade promotion Act of 2001 and encourage my colleagues in the House to support its passage when we take that crucial vote this week.

Mr. Speaker, I yield 10 minutes to my colleague, the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I thank the gentleman for yielding, and I come to the floor this evening with a plea for the people of the district I represent. When the House votes Thursday to grant the President Trade Promotion Authority, I urge my colleagues to support this important measure.

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The district I represent sits on the shores of the Atlantic Ocean at the mouth of the Chesapeake Bay. Millions of dollars' worth of goods pass through these waters every day, both from domestic sources and from our trading partners abroad.

The Commonwealth of Virginia is home to four State-owned ports, the Newport News Marine Terminal, the Norfolk International Terminals, the Portsmouth Marine Terminal and the Virginia Inland Port in Warren County, Virginia. At these ports, importers and exporters find an intricate transportation network, bringing maritime commerce together with road and rail transport. This network allows the goods brought into the ports to reach two-thirds of the American population within 24 hours. If a country or foreign company wants to do business with Americans, they will no doubt deal with the ports of Virginia at some point.

For this reason, the upcoming vote on Presidential Trade Promotion Authority is vital to the people of Virginia's Second District and for all Americans. On Thursday, we will consider granting the President Trade Promotion Authority to negotiate new trade agreements with foreign nations. It is the first step in gaining access to foreign markets for our economy and to open doors to other countries for similar access. This measure has a great impact on the residents of the district I represent because we live where the effects of trade are most evident.

When trade increases, more ships and barges come into these ports, packed with containers and creating the need for more people to handle these goods and ensure their safe transport to communities across the country.

Equally important is the impact that the trade has on the rest of the country. Increasing trade by removing trade and investment barriers benefits all Americans in the checkout line, giving them a wider choice of goods at better prices. Thousands of U.S. manufacturing jobs depend on exports, and TPA will open more foreign markets for these products, and American farmers will benefit as more markets open for their goods.

When the lack of free trade agreements makes our wages lower and makes goods cost more, this is a tax. The fact that America is party to only a few trade agreements amounts to an invisible tax on the American people and holds back American prosperity. American exports are burdened by harsh tariffs, making those goods less competitive in foreign markets and hindering the success of American companies. Similarly, the lack of imports gives Americans access to fewer competitive choices, forcing them to pay higher prices at the checkout register.

The free trade agreements that America has entered into have been shown to benefit the economy and workers. Exports to Canada and Mexico have more than doubled since NAFTA was enacted in 1974. Higher exports translate directly into more business for American companies and more jobs for American workers.

The last time trade promotion authority for America was in place was in 1994. Since that time, the United States has not enacted a single free trade agreement with any Nation. This sends a signal to our potential trading partners that when TPA is not in effect, America is either not able to negotiate effective agreements or simply is not willing.

But we can send an equally strong signal to our potential trading partners on Thursday by telling them that we are ready to broker trade deals and we have the tools to do so efficiently. This vote will help us reaffirm America's role as the leader in international trade in order to bring better jobs and more business to America.

Naysayers will argue that Trade Promotion Authority should not be granted until it is guaranteed that we will impose labor and environmental standards on the countries with which we deal. We must remind ourselves that these agreements are with nations as sovereign as our own. We would disapprove of a country who required our Nation's factories to meet environmental standards or pay employees particular wages. Environmental and labor concerns are certainly causes worthy of our efforts, but attaching unnecessarily strict regulations to trade

agreements only breaks down agreements and blocks access for American companies and consumers.

Experience has proven that free and fair trade gives way to higher environmental and labor standards abroad. As foreign economics grows as a result of trade liberalization, governments have a greater desire and greater means to enforce labor laws and environmental protection initiatives from within.

Perhaps the most important result of Trade Promotion Authority is that America will be able to increase its most valuable export, the ideals of freedom and democracy. Free and open trade allows other countries to see the benefits of capitalism and democracy. As President Bush has said, ''Economic freedom creates habits of liberty. And habits of liberty create expectations of democracy.''

Our vote on Thursday will send a message to our potential trading partners. I hope we do not send the message that Congress does not stand behind our President and that Congress wants to build up barriers to free trade. Rather, I hope that we can pass Trade Promotion Authority and send the message that America stands united, ready to do business, and ready to trade.

Our economy is now at a crossroads. We can take the road that leads to increased isolationism and give up hope of creating new global trade alliances, or we can choose to take the road that leads to increased trade, better American jobs, and a better standard of living for America and our trading partners.

I hope my colleagues will join me in ensuring that we travel down the path that leads to more opportunities and economic freedom for all of our citizens by supporting Presidential Trade Promotion Authority.

Mr. CANTOR. Mr. Speaker, it is now my pleasure to yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman from Virginia for yielding to me and for bringing this forum together for the discussion of an issue truly vital to Indian farmers, and congratulate the gentleman from Virginia for his leadership on behalf of agriculture and trade.

Mr. Speaker, I rise today on behalf of America's farmers and ranchers, particularly those serving eastern Indiana. Every evening they leave their sweat in the fields to ensure the good health and well-being of their fellow Hoosiers. They do so much for Indiana, and this Congress can do so much for them by simply granting the President desperately needed trade negotiating power.

Mr. Speaker, trade already benefits Indiana. Hoosiers exported an estimated $1.5 billion in agricultural goods in the year 2000. These exports helped boost farm prices and income while supporting 24,000 jobs on and off the farm in food processing, storage, and transportation. The numbers are truly staggering in Indiana alone: Soybeans and products, $543 million; feed grains and products, $470 million; live animals and red meats, $107 million; wheat and products, $69 million; and poultry and products, $55 million. An estimated $1.5 billion just from the 92 counties of Indiana.

Mr. Speaker, world demand for these products is increasing, but so is competition among our various and diverse trading partners. The reality is if Indiana's farmers and food processors are to compete successfully for opportunities ushered in by the 21st century, they need free trade and open access to growing global markets.

Let us quickly examine previous trade agreements and how they have assisted my home State. As the Nation's sixth largest corn producer, Indiana benefited directly under the North American Free Trade Agreement when Mexico converted its import licensing system for corn to a transitional tariff rate quota. Under this system, the volume of U.S. corn exports to Mexico has nearly tripled since 1994, reaching 197 bushels valued at $486 million in the year 2000. Additionally, under NAFTA, Mexico eliminated import licensing and is phasing out tariffs for wheat all together. Wheat exports to Mexico have doubled from Indiana since 1994.

Mr. Speaker, the Uruguay Round agreement has also benefited Indiana in its capacity as America's fourth largest soybean producer. South Korea continues to reduce its tariffs on soybean oil, a process that has already supported a threefold increase in our export volume. The Philippines is doing the same for soybean meal.

So, Mr. Speaker, you can see that our existing trade agreements have truly benefited Indiana and the entire United States. So why do we need additional trade agreements in the form of TPA to help our Nation's farmers and ranchers? Let me offer a few reasons.

Number one, exports are the lifeblood of American agriculture. Without Presidential Trade Promotion Authority, we risk losing our existing share of foreign markets to other competitors.

Second, with TPA, we can begin in earnest with a round of WTO talks where the greatest gains will be made in agricultural trade.

Third, the only way to fix the problems that have emerged under existing agreements is to use the credibility of Trade Promotion Authority with the President of the United States at the negotiating table.

Additionally, growth in purchases of U.S. food and agricultural products is most likely to come from the 5.9 billion people who live outside of the United States of America. If we do not supply their needs, Mr. Speaker, someone else will.

Fifth, economic studies show that the most significant growth in demand for agricultural products is in societies with emerging middle classes. Middle-class families spend an increasing portion of discretionary income on food. The next decade is expected to usher in 250 million Indians and 200 million Chinese to the level of middle class. These markets will be the strongest for growth in commercial food demand.

Also, some of the highest growth in food demand is occurring in Asia. Only with Presidential Trade Promotion Authority can we tear down the barriers and eliminate tariffs in that region to maximize our economic opportunities.

Additionally, other countries are moving forward without us. The European Union, Mexico, Canada, and Latin America are negotiating new free trade agreements that do not include the United States. There are 130 agreements that exist today, and only two of them include the United States of America.

Allow me to repeat that again, Mr. Speaker. There have been, over the last decade, been negotiated worldwide with our competitors in agriculture and elsewhere, 130 trade agreements, of which the United States is party to 2.

Also, world agriculture tariffs today average about 62 percent, while U.S. tariffs average 12 percent. Trade Promotion Authority and other trade agreements can only eliminate foreign barriers such as this.

Ninth, other countries are more likely to agree to WTO negotiations pertaining to strengthening world prices if the President is armed with Presidential Trade Promotion Authority.

And last, Mr. Speaker, this Congress can no longer afford to stand idly by while other nations' governments improve trading opportunities for their citizens and their industries and their agricultural sector. Leadership and action by Congress must no longer be delayed. Congressional passage of Presidential Trade Promotion Authority is absolutely essential, and I hope that Congress will do so this week.

And let me say I support Trade Promotion Authority to assist Hoosier farmers. I urge my colleagues to help their farmers as well. But also, Mr. Speaker, and I say this somewhat in jest but in a great deal of seriousness, I believe that this President has earned the confidence of the American people in the days of the fall of 2001. Trade Promotion Authority for the President of the United States asks one simple question: Do you trust the President of the United States at the trade negotiating table to put American agriculture, to put American interests, to put American jobs first?

Well, I, Mr. Speaker, today do not believe I am in the minority when I say that I trust the President of the United States of America to put American jobs, American interests, and American agriculture first. I trust President George W. Bush, and I hope that all of my colleagues will join those many millions of Americans who have found this President truly trustworthy and give him the authority he needs to advance our interest in agriculture and for our entire economy by adopting Trade Promotion Authority.

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Mr. CANTOR. Mr. Speaker, I thank the gentleman for his eloquent remarks.

Mr. Speaker, I yield to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I thank the gentleman from Virginia for putting together this opportunity tonight for us to talk about Trade Promotion Authority. We know that is going to be coming up later this week; and so the information, and there has been a lot of disinformation, I think we heard some of that during the 5-minute Special Orders tonight, disinformation that is being put out into the idea marketplace.

Trade Promotion Authority has been much discussed over the last few weeks, anticipating this vote that we are going to have later this week; and I would like to share a little information about how Trade Promotion Authority will benefit not only Idaho, but our 49 sister States as well.

Let me start with something I know best. Idaho is the world's foremost producer and processor of potatoes. We plant over 380,000 acres a year, and we yield well over 100 million hundred weight as a result of those plantings. Most of those potatoes are processed into products which find themselves into the marketplace and restaurants throughout the world.

Idaho potatoes dominate almost every market they have ever gone into. I traveled to some 80 foreign countries and opened many McDonald's throughout the world with the JR Simplot Company because we had the best potatoes in the world, and those best potatoes came from Idaho.

One of those markets that I was part of opening up was in Chile. Today, as a result of our inability to get a seat at that negotiating table, Canada and Chile came together and put together a trade agreement. Idaho no longer shares in that market because that agreement, when we did not have a seat at that table, pushed the Idaho potatoes out of the market.

What concerns me even more than the fact that we are losing some of these markets to some of our foreign competitors is the fact that we are now starting to lose situs for some of our best processors, some of the best processors in the world, some of them historically proven since Birds Eye first discovered how to freeze and then reconstitute products, adding portability and shelf life to some of the best vegetable products throughout the world, and that happened in the early part of the last century.

Some of these best products and their processors are now reducing the size of their plants in the United States south of the Canadian border and are actually expanding some of their potential to be in these foreign markets in plants in Canada, and the result is because Canada has Trade Promotion Authority and they have a seat at the table that they can go to the markets throughout the world and negotiate trade agreements.

Idaho's wheat producers is another example. They are also suffering from our inability to enter into new agreements. The Idaho National Wheat Growers for that purpose and that purpose only are supporting the passage of Trade Promotion Authority. We have documented evidence of how trade has benefited our farmers.

Since the passage of NAFTA, U.S. farm exports to Mexico have doubled. The more trade agreements we enter into, the more food we can sell, because 90 percent of the world's people live outside of the United States. Ninety percent of the mouths that sit down to that plate every night, three times a day, 90 percent of those plates are served in other parts of the world, not the United States. If we are not going to be part of those agreements, if we are not going to have a seat at that table, to whom are we going to be able to sell the increased production that we have from our farms?

The U.S. only consumes about two-thirds of what American farmers always produce because they are the best and most prolific in the world. Without our foreign markets, already depressed prices could be much lower. We need foreign markets to maintain our current production and to increase our market potential in the future. Because the United States has more productive farmers in the world, other nations maintain extensive subsidies and trade barriers and trade walls. The average American agriculture tariff is 3 percent, whereas in Europe it is 15 percent; and worldwide the average is well over 40 percent.

In addition, the European Union maintains export subsidies of up to 75 percent greater than those that we have in America. Passing the Trade Promotion Authority, giving our President the opportunity to sell our wares, to strut our stuff throughout the world will help further our national goals by allowing the President to sit down and negotiate these deals. We will be able then to eliminate trade barriers, and our products will increase our exports and be able to reduce the export subsidies throughout the world.

Let me share some of the state barriers that our farmers all over the United States currently face. In Australia, a monopoly wheat board now sets the price of wheat. American farmers are therefore priced out of one of the most important markets in the world. In Canada, a monopoly wheat board also competes against the United States in world markets.

Mr. Speaker, passing the Trade Promotion Authority would speed the negotiations to remove these wheat boards from their position of power and monopolistic predatory practices in the world marketplace. Idaho is the fifth largest spring wheat producer in the country, and I would not promote Trade Promotion Authority if I were not certain it would benefit our farmers.

China currently imposes restrictions on which varieties of apples, of which Idaho is one of the best producers, that they can import into their country. Currently only three varieties can be imported into China, and the two versions that are actually favored by the Chinese consumer cannot be brought in because of trade barriers. With Trade Promotion Authority, we could negotiate an end to these barriers and benefit our apple farmers.

Similarly, Taiwan maintains a 40 percent tariff on apples and that needs to be reduced and could be through the passage of Trade Promotion Authority.

Mr. Speaker, I could go on and on; but I would simply like to demonstrate for this House and for those who are listening, Idaho's director of agriculture, Mr. Takasugi, has prepared ''Idaho Trade Issues: An Action Plan.'' This was produced earlier this year. As the Lieutenant Governor of Idaho, I led trade missions throughout the world. I visited some 80 foreign country. Mr. Takasugi went with me to many of those. We were able to break down barriers because we were sitting at the table when we had the opportunity to overcome some of the differences we had with some of these foreign countries.

Mr. Speaker, this is a 54-page booklet that itemizes every trade barrier that Idaho and Idaho's farmers face in every country of this world, and I would like to provide this booklet to any Members who do not believe that passing Trade Promotion Authority to the President would not be a valuable asset for this country and its economy and the producers.

Some may say Idaho is a small State and we have nothing to gain from Trade Promotion Authority and that it is actually a coastal issue; and I am saying nothing could be further from the truth. Last year, Idaho's exports alone were $826 million. That may not sound like an awful lot to a lot of folks; but my 1,285,000 people thought that $826 million in sales to foreign countries was terribly important. A lot of families are able to provide for themselves and provide for their future because of that $826 million.

Let me break it down: $303 million was potatoes and other vegetables; $151 million in wheat products, $98 million in livestock; $54 million in dairy products; and $51 million in feed products.

More than 12,000 Idaho jobs depend upon exports. As I said earlier, our ability to process this food into a portable and into a storable product is one of the things that has got us into these foreign markets.

I am also aware of the concerns of those who are afraid of H.R. 3005 because it means an end of our antidumping and countervailing duty legislation. If I thought that was the case, I would be opposing this instead of here helping the gentleman from Virginia (Mr. CANTOR) and our other folks champion this effort. I know firsthand the effects of illegal dumping and the value

of our anti-dumping laws. Voting for the Trade Promotion Authority is neither an endorsement of repealing anti-dumping laws, nor a repudiation of the English resolution that this House passed with such an overwhelming majority just last month.

Mr. Speaker, earlier in the last century a fellow by the name of Hans J. Morgantheau said when food does not cross borders, troops will. When we look at most of the problems of the world that have been associated with folks who have something and it is desired by folks who do not, those troops cross the border.

I have said twice now and at the risk of repeating myself, I have been in 80 foreign countries, and I have negotiated with every manner of government in every way that I possibly could for every kind of product; and having a seat at that table and being right there, face to face with the potential buyer, is the most important thing we can do.

Trade Promotion Authority, Mr. Speaker, gives us a seat at that table. Trade Promotion Authority will indeed manifest the value that Hans J. Morgantheau put into his idea that when we are trading with people, we are building a relationship, and that relationship then leads to an exchange of values and an exchange of goals and eventually an exchange of ideas and peace.

For those Members who may doubt the value of trade, I direct them to a book called ''The Lexus and The Olive Branch,'' Chapter 6, and it is called ''The Golden Arches Theory of Peace.'' No two countries that ever received a McDonald's franchise since they received that franchise have gone to war because they understand the value of a relationship and a trade consumer and a provider and supplier-consumer relationship.

Mr. Speaker, I urge my colleagues to join me and all of those who are speaking on it tonight in passage of H.R. 3005, and assure that we can unleash the power and the potential of the American farmer and the American trader.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Idaho (Mr. OTTER) for that very well thought out and impassioned plea for the passage of the President's Trade Promotion Authority.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentleman from Virginia (Mr. CANTOR) for organizing this Special Order and rise in support of Trade Promotion Authority.

One-third of all American families depend directly or indirectly on foreign trade for their income, and America is the number one exporting nation in the world. But unless we act to promote fair and free trade, this leadership will fade. Trade Promotion Authority ensures that the United States will have better access to foreign markets while strengthening domestic industries.

An increasingly important force behind our Nation's economic growth is the high-tech sector. In the past 5 years, high-tech industry accounted for one-third of the growth of our gross domestic product. It lowered our inflation rate and created 1.5 million new high-paying jobs. Overall, the world market for IT products rose steadily to $1.3 trillion in 2000 and is expected to grow as companies take further advantage of the Internet and e-commerce.

In the United States, the information sector employment rose by 15 percent from 1997 to over 2 million jobs last year. Additionally, more than half of the 2.6 percent increase in U.S. labor productivity between 1996 and 1999 was directly related to increasing investment in IT. What may not be known is that U.S. high-tech companies exported $223 billion in merchandise last year. In Illinois, the number of companies exporting increased by 50 percent from 1992 to 1998.

Mr. Speaker, Motorola, which is based in Chicago's northern suburbs, is one of our Nation's leading exporters of high-tech goods. In the past several years, their exports have increased steadily. Last year almost two-thirds of Motorola's sales were exported. Additionally, thanks to the innovation of the Internet and e-commerce, health care companies such as Allegiance and Medline, based in northern Illinois, greatly contributed to overall Internet sales transactions worldwide, providing critical health care supplies for hospitals both here and abroad.

Allegiance alone provides goods to over 80 countries and has 20 subsidiaries worldwide. These companies support incomes of thousands of families in Deerfield, Vernon Hills, and Libertyville.

□ 2045

If we grant the President Trade Promotion Authority and these employees continue to take advantage of the Internet, more jobs will be created in Illinois's high-tech sector.

New markets represent an enormous opportunity for high-tech industry to maintain our global leadership. With 500 million people living south of our border and Latin America with only 18 million personal computers on hand, now is the time to open new markets to America's high-tech goods.

While the Information Technology Agreement eliminated duties in the IT sector in some major markets, the larger markets of Latin America are not a party to this agreement. Tariffs on IT products in key Latin American countries remains as high as 30 percent. Beyond tariffs, IT products also face nontariff restrictions such as redundant testing and certification requirements. U.S. suppliers, including those in Illinois, will see a rise in job creation if these barriers are lifted. And if we act now and give trade promotion to the President, we can accomplish this.

Opportunity is a two-way street. Opening markets in Latin America to computers and the Internet will help modernize their economies while, at the same time, promoting free markets, competition, and improved quality of life. As computer and new technologies bring opportunity for economic growth in Latin America, U.S. jobs will be created.

Since NAFTA was enacted, the United States exports to Canada and Mexico have increased 104 percent. Every day, America transacts an estimated $1.8 billion in trade with our NAFTA partners at a rate of $1,200,000 a minute. In 2000, America's exports to our NAFTA partners grew 30 percent faster than to exports to the rest of the world. Since 1992, open markets with Mexico and Canada created more than 20 million new jobs in the U.S., with wages and workers supported at incomes 13 to 18 percent higher than the national average. NAFTA is a proven trade agreement that has led to success for American business.

If we fail the President on Trade Promotion Authority, we will fall behind the curve and the cost will be American jobs. Already, nations worldwide have entered into an estimated 130 preferential trade agreements, while the United States is just party to two, one being NAFTA and the other with our allies in Israel. Only 11 percent of the world exports are covered by American trade agreements, compared to 33 percent for European Union free trade agreements and Customs arrangements. We must act now, and every day America delays, America loses. Communities, families, businesses, and workers lose opportunities and income that could come with expanded markets for American goods and services. During this time of economic uncertainty, it is crucial that we grant the President Trade Promotion Authority to open new opportunities for American businesses and to preserve American jobs.

Past trade agreements have benefited the typical family of four in Illinois by $1,300 per year. Illinois exports totaled over $2,500 for every man, woman, and child in our State. Over 350,000 Illinois families depend on exports for their income, with another 150,000 indirectly depending on export business. Since 1993 and the conclusion of the Free Trade Agreement with Mexico and Canada, Illinois increased our exports to those two countries by 73 percent.

Let me look at one key industry: environmental technology, which grew its exports to Mexico by 385 percent. Exports from the city of Chicago alone totaled $21 billion last year. Over 1,400 businesses in Illinois exported last year, and 86 percent of them were small- and medium-sized companies.

Take the case of Fluid Management in Wheeling. Over 60 percent of the company's business depends on exports. Mr. Speaker, 360 jobs alone. And Fluid's skilled engineering force grew from 6 in 1989 to over 100 by 1996. The firm has expanded here, at home, and in Australia, Europe, and Latin America. After NAFTA, Fluid opened offices

in Latin America. The total number of exporting companies in Illinois grew from 9,400 to 14,200 and, in sum, Illinois exported over $32 billion last year to 208 foreign markets.

That is why we need to pass Trade Promotion Authority in this Congress, and, once passed, we will lower tariffs against American goods and enable exports to lead our country out of recession.

Mr. Speaker, I want to thank the gentleman from Virginia (Mr. CANTOR) for organizing this Special Order on the need to boost exports in America. They are important for Virginia, and they are important for my State of Illinois.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Illinois (Mr. KIRK), my good friend, and join with him in that heartfelt statement of support for the Trade Promotion Act of 2001, which we are poised to vote on here in this House this week, on Thursday.

Mr. Speaker, the economists have announced what many Americans have known for months. America is officially in recession, and granting the President Trade Promotion Authority will allow him to negotiate trade treaties that will create jobs and deliver a much-needed boost to our economy. The real cost to American business of not granting the President Trade Promotion Authority is that other countries will continue to negotiate free trade agreements to the exclusion of the United States and its interests, putting American businesses at a competitive disadvantage.

Two vital sectors of America's economy that have suffered greatly during the recent economic downturn here in this country will benefit most from Trade Promotion Authority, and those are the sectors that we are focusing on tonight and that have been spoken to on the part of my colleagues, and they are the agricultural and high-tech sectors.

Mr. Speaker, I would like for a minute to focus on the Commonwealth of Virginia and how it benefits from increased trade. My district, the southern district, and the Commonwealth of Virginia as a whole, strongly benefit from America's current trade activity. We, like America, benefit from a vibrant international trade environment. Last year, Virginia sold more than $10.5 billion of exports to nearly 200 overseas markets. Virginia exported more than $9.2 billion of manufactured items such as machinery, transportation equipment, computers, and electronics, fabricated metal products, and beverage and tobacco products. The number of Virginia companies exporting increased 62 percent from 1992 to 1998. Demand is growing for the top five agricultural products exported from Virginia, including tobacco leaf, poultry products, live animals and red meats, wheat products and soybean products.

Here are some of the benefits that we stand to gain from increased trade in Virginia. Nearly 60,000 manufacturing jobs are tied to exports. Roughly 6,000 Virginia citizens hold jobs related to agricultural exporters. Jobs supported by exports in Virginia are 13 to 18 percent better paying than the national average. In 1997, an estimated 42,000 Virginia jobs depended on or were indirectly related to manufactured exports, and 1 in every 7 of the manufacturing jobs in Virginia is tied to exports.

Mr. Speaker, no doubt that one of the tremendous engines for the Commonwealth of Virginia and the Nation as a whole and our economy has been the high technology sector. This industry is particularly affected by the absence of Presidential Trade Promotion Authority, and it is this industry which also will stand to benefit most in terms of job creation and increased productivity across this land.

Firms in the United States face many obstacles in the global market such as high tariffs and regulatory burdens. These facts inhibit the competitiveness of American firms. Such obstacles, if not removed, will ultimately lead to the loss of American jobs to our foreign competitors, adding fuel to the fire of the already stalled American economy and associated job layoffs.

Obstacles exist such as the soaring tariffs. These tariffs on American information technology products, scientific instruments, and medical equipment being sold in countries with which the United States does not have trade agreements reduces American competitiveness with the indigenous goods produced in that target country and our foreign competitors. Second, American companies face regulatory barriers on trade of information technology and communications products that are in place without trade agreements. Absence of Trade Promotion Authority, make no mistake, results in countries being unwilling to negotiate trade agreements with the United States. And why would they agree to negotiate with us if a deal as struck is not really a deal? As was stated before by the gentleman from Indiana (Mr. PENCE), I think our President, Mr. Bush, has earned the confidence of the American people and we must confer upon him Trade Promotion Authority to make sure that our American businesses stay competitive in the global marketplace.

Mr. Speaker, to give my colleagues an example of a free trade agreement, most trade between Brazil and Argentina is now tariff free, while U.S. firms still face an average tariff of more than 14 percent on exports to those Western Hemisphere countries and neighbors of ours. Foreign Ministers from both Brazil and Argentina have suggested that they cannot negotiate trade agreements with the United States until the President has Fast Track authority.

Granting the President Trade Promotion Authority will allow him to negotiate trade treaties that create access to new markets for the high-tech industry. Access to new markets will be a major force behind the success of our technological community and the job growth therein. This success will be obtained by allowing companies to expand their markets and their sales in developing countries in order to continue the rapid expansion of the high-tech industries here at home.

As an example of how important opening up foreign markets is to American companies, this is a staggering statistic: 58 percent, that is, nearly 60 percent of Microsoft's revenues, is derived from international sales. Passage of TPA will allow companies like Microsoft to continue to increase their revenues in the global marketplace, and at the same time we are opening up new markets we are growing the job base here in America.

Trade agreements could also help establish the framework for additional e-commerce by American firms between those businesses and their customers abroad. High-tech products from America will be available at lower costs as these markets continue to open. If we have the ability to enter into more bilateral trade agreements, American goods and equipment will begin to show up in more countries and more markets, in much greater numbers and at much more competitive prices.

Recently, President George W. Bush addressed a meeting of leaders in the high-tech industry. The President expressed his vision of a world with increased free trade and described trade's benefits for the U.S. economy. And he said, ''Ours is an administration dedicated to free trade. I hope that Congress gives me Trade Promotion Authority as soon as possible so I can negotiate free trade agreements. We should not try to build a wall around our Nation and encourage others not to do so. We ought to be tearing these walls down. Free trade is good for America and it will be good for your industry as well.''

Mr. Speaker, another aspect within the international trade environment which is providing obstacles, especially in the area of the high-tech sector, is the issue of piracy. Piracy is currently costing the high-tech sector in America a tremendous amount of revenues. The protection of American know-how is another benefit and an essential part of TPA.

For example, 58 percent of business software applications used in Latin America were pirated in the year 2000, costing the software industry in our country nearly $869 million in licensing revenues. In 1998, Latin America's software market generated approximately $3.5 billion and is expected to grow by 18 percent annually.

□ 2100

Latin America is currently considered a region where a free trade agreement could occur fairly quickly with the United States. This is a region that provides a huge opportunity for the U.S. software industry. TPA will allow the President to negotiate trade treaties that will combat piracy by making

intellectual property protection a fundamental condition of membership in multilateral and bilateral trade alliances. It will also open wide this natural growth market to the south for all American businesses, thereby increasing the job base in America.

Singapore is also a natural destination for the President and his team of negotiators to engage in talks and produce a bilateral trade agreement to open up markets to United States business. Intellectual property reforms in Singapore and cooperation in that country with policymakers have created an environment prepared for increased high-tech trade. We must allow President Bush to take advantage of this conducive environment and lock in the opportunities for American businesses in that country with a bilateral trade agreement with Singapore.

The issue of privacy is certainly linked and has as its pillar the protection of intellectual property owned by American businesses. If America's copyright industries are to continue to be successful in the world markets, the President must be able to effectively negotiate trade agreements that reduce barriers to creative works in America. Trade agreements are the vehicle to license and insure the continued growth of the industry in America. That is why the International Intellectual Property Alliance supports Trade Promotion Authority.

A recent report indicates that the copyright industries, including computer software makers, music, computer hardware, and many more, they employed more than 7.6 million Americans in 1999. Mr. Speaker, my colleagues before me have stated the many benefits that NAFTA has conferred upon this country.

Eight years ago last month, the House of Representatives debated and passed the North American Free Trade Agreement. It has produced a tremendous growth in trade for the United States and our two partners, Mexico and Canada. Trade with our NAFTA partners is growing twice as fast as U.S. trade with the rest of the world and accounts for approximately one-third of all U.S. merchandise trade.

NAFTA trade exceeds trade with both the European Union and Japan combined, approximately $1.8 billion a day, as was pointed out earlier. NAFTA has kept Mexico on track to sustain internal economic reform, which in turn has helped the United States. NAFTA has resulted in reduced tariffs for American goods, benefiting American companies and American workers.

Under NAFTA, Mexico eliminated its 15 percent tariff on live slaughter cattle, its 20 percent tariff on chilled beef, and its 25 percent tariff on frozen beef. Mexico has been the fastest-growing market for U.S. beef. U.S. beef exports to Mexico rose from the 1993 pre-NAFTA level of 39,000 tons valued at $116 million, to 179,000 tons valued at $531 million in 2000.

In the year 2000, 73 percent of Mexican imports were products from the United States: capital goods, from road-building equipment to hospital instruments; consumer goods from Mexico's emergent middle class; everything from blue jeans to compact disks and food. NAFTA led to a stronger economy, which led to improved living standards for Americans.

Examples in my home State of Virginia: the Jones Group International, based in Fairfax, illustrates how an increasing number of American small service companies are competing in world markets. This firm provides consulting services for developing countries.

The Regional African Satellite Communications Organization contacted the company in 1999 to develop two detailed documents, one for technology transfer and the other for know-how and an assistance program.

Millicom International Cellular. This Arlington, Virginia-based telecommunications company announced in 1998 that SENTELgsm, a 75 percent Millicom-owned company, has been awarded a nationwide global systems for a mobile communications license for the Republic of Senegal.

The company plans to embark on a rapid development program to build and launch a GSM mobile network to initially launch service in Dakar, with plans to expand coverage to all the regional capitals.

The license award is for a period of 20 years, renewable every 5 years thereafter. The firm reports that this significant investment will result in nearly $10 million in U.S. exports and will create or retain more than 100 U.S. jobs.

In a recent speech, Commerce Secretary Don Evans summed up the benefits of Trade Promotion Authority: ''The President is also committed to keeping electronic commerce free of roadblocks, ensuring the protection of intellectual property rights, and the strict enforcement of our trade agreements. But to achieve these goals in a successful trade policy that serves the interests of American business and American workers, the President needs Trade Promotion Authority.''

Without TPA, other nations will continue to refuse to negotiate treaties with the United States.

Mr. Speaker, it is vital for our economic interest and security that the United States set the trade agenda for the world market.

HONORING LEW RUDIN

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, if anyone watching tonight has ever called New York ''the Big Apple'' or uttered the words ''I love New York,'' I hope they will join me tonight in remembering the man who brought those phrases into the public domain. His name was Lewis Rudin, but he was better known as ''Mr. New York.''

On September 20, at the end of his 80th summer, Lew Rudin died of cancer. We all know what happened in New York 9 days earlier. As we look to rebuild and renew New York after the tragic events of September 11, we must do so with Lew Rudin's vigor, vision, imagination, spirit, and wholehearted love for our great city.

At a time when the city's skyline has two gigantic cavities, I take heart in knowing that it is populated with so many buildings developed by Lew and his family. The Rudin family has never sold a building it developed, embodying a virtue that too few people value and practice today, and that is loyalty. Lew was fiercely loyal to his family, his friends, his city, and his father's commitment to rewarding New York because New York had rewarded his family.

Lew was a tireless booster and advocate for New York City. He co-founded the Association for a Better New York, which has lived up to its title time and time again. It has also brought us better schools, improved transportation, and cleaner and safer streets. The association became a watchdog, rewarding those who enhanced our city with Polished Apple Awards.

Lew Rudin bet on the city, even in its darkest hours; and he bet right every time, in part because he helped solve the city's biggest problems. In the mid-1970s he helped rescue New York from the brink of bankruptcy by convincing corporations to prepay their property taxes.

He beat back an effort by the President of the United States to abolish deductions for State and local taxes, which could have caused an exodus of businesses operating in the city.

He persuaded the U.S. Tennis Association to move within Queens, rather than outside of New York. He gained landing rights for the Concorde, enhancing our stature as the business capital of the world. He helped expand the New York City Marathon to the five boroughs. Today, 30,000 athletes participate and millions watch around the world.

Lew worked with me recently to transform the dream of a Second Avenue subway into a reality, and he championed the cause of bringing the Olympics to New York in 2012.

Serving in various roles, Lew was a leader and member of a broad array of New York institutions, from North General and Lenox Hill Hospitals to Central Synagogue and Ford's Theater to Meals on Wheels and New York University. His enormous contributions to so many institutions made Lew Rudin an institution unto himself, and prompted the New York City Landmarks Conservancy to designate him a living legend landmark.

Anything Lew Rudin loved, he also served. An avid golfer, Lew founded First Tee, which was dedicated to

bringing the game to the inner city. He knew how to get things done.

But as a third-generation American whose grandfather immigrated from Poland with only the change in his pocket, Lew did what he did mostly for ordinary New Yorkers: he fought to improve their quality of life, enhance the resources available to them, and to make a very special city all the more unique.

Lew Rudin left behind a tremendous legacy of visible accomplishments, but he is also responsible for all sorts of contingencies that never came true, crimes that did not happen, companies that did not leave, criticisms of New York that were not uttered because Lew's efforts made them invalid.

Tonight we honor Lew Rudin with kind words, but tomorrow we must honor his memory with good deeds. Mr. New York, we thank you, we miss you. May you sleep in heavenly peace.

Mr. Speaker, I include for the RECORD other eulogies and statements regarding Lew Rudin:

Mr. Speaker, if anyone watching tonight has ever called New York ''The Big Apple'' or uttered the words ''I Love New York,'' I hope they will join me tonight in remembering the man who brought those phrases into the public domain.

His name was Lewis Rudin, but he was better known as ''Mr. New York.'' On September 20 at the end of his (80th?) summer Lew Rudin succumbed to cancer.

We all know what happened in New York nine days earlier. As we look to rebuild and renew New York after the tragic events of September 11 we must do so with Lew Rudin's vigor, vision, imagination, spirit, and wholehearted love, for our great city. At a time when the New York City skyline has two gigantic cavities, I take heart in knowing that it is populated with many buildings developed by Lew and his family—7.5 million square feet of office space, and more than 3,500 apartments that New Yorkers call home.

The Rudin family has never sold a building it developed, embodying a virtue that too few people value and practice today: And that is loyalty. Lew was fiercely loyal to his family, his friends, his city, and his father's commitment to rewarding New York because New York had rewarded his family.

Lew was a tireless booster and advocate for New York City. He co-founded the Association for a Better New York which has lived up to its title time and again. It has brought us better public schools, improved transportation and cleaner and safer streets.

The Association became a civic watch dog rewarding those who enhanced our city with Polished Apple Awards.

Lou's civic accomplishments were legion. As a developer he called his civic involvement enlightened self interest. The rest of us call it tireless philanthropy and activism. Lew Rudin bet on the city even in its darkest hours. And he bet right every time in part because he helped solve the city's biggest problems.

In the mid-seventies he helped rescue New York from the brink of bankruptcy by convincing corporations to pre-pay their property taxes. He beat back an effort by the President of the United States to abolish deductions for state and local taxes which could have caused an exodus of businesses operating in the city. He persuaded the U.S. Tennis Association to move within Queens rather than out of New York. He gained landing rights in New York for the Concorde—enhancing our stature as the business capital of the world.

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Anything Lew Rudin loved he also served. An avid golfer Lew founded First Tee, which was dedicated to bringing the game to the inner city.

Yes, Lew was on the speed dials of the rich and powerful. He was a force to be reckoned with and he knew how to get things done. But as a third-generation American whose grandfather immigrated from Poland with only the change in his pocket Lou did what he did mostly for ordinary New Yorkers.

He fought to improve their quality of life, enhance the resources available to help them and to make a very special city all the more unique. Lew Rudin left behind a tremendous legacy of visible accomplishments. But he's also responsible for all sorts of contingencies that never came true. Crimes that didn't happen. Companies that didn't leave. Criticisms of New York, that were not uttered, because Lew's efforts, made them invalid.

Tonight we honor Lew Rudin with kind words. But tomorrow we must honor his memory with good deeds.

Mr. New York we love you. We thank you. We miss you. And we'll get right to work. May you sleep in heavenly peace.

EULOGY BY DAVID N. DINKINS—FUNERAL SERVICES FOR LEWIS RUDIN CENTRAL SYNAGOGUE, NEW YORK CITY—SUNDAY, SEPTEMBER 23, 2001; 10:00 A.M.

Rabbi Rubinstein; Cantor Franzel; Rachel; Jack and Susan; Beth and Clift, Billy and Ophelia; Carlton and Kyle, Samantha and Michael; Eric and Fiona, Madeline and Bruce Grant, Kathy and Nancy; President Clinton; Governor Pataki; Senator Schumer, Senator Clinton; Mayor Giuliani; Governor Cuomo; and the many other family and friends here today to remember Lewis Rudin.

I have always looked upon Lew as a brother, and I am feeling an unspeakable sorrow at his passing. I ask your forbearance as I attempt to share my thoughts.

I am reminded this morning of two others who regarded each other as brothers—the great theologians and activists, Rabbi Abraham Heschel and Dr. Martin Luther King, Jr. It was Rabbi Heschel, author of the definitive text ''What Manner of Man is the Prophet?,'' who was called upon by Coretta Scott King to eulogize her husband who, parenthetically, was later the subject of a fine biography by Lerone Bennett, entitled ''What Manner of Man.''

As the biblical reference that moved both Heschel and Bennett told us, the world is yet in awe of that manner of man who ''even the wind and the sea obeyed'' upon his command ''Peace, be still.'' Rabbi Heschel and Dr. King have long since found their answers to the question, ''What manner of man?'' And today, we each have our own answers . . . with respect to the man, Lewis Rudin.

What manner of man is this that even the wind and the sea obey? Well, we know that our dear friend was a powerful man, though not perhaps so powerful that he could literally calm the wind and the sea. He did, however, have the power to calm an entire city in its times of storm and crisis. He not only had such power, he used it on every occasion that threatened his city's future. And he used it well. We will hear the truth of this often this morning, and rightfully so, for we are thankful for the strength, the wisdom, and the love that guided him in his mission here on earth.

What manner of man was Lew Rudin. Lew Rudin was a man whose name became known to every New Yorker. He was, as many have said and will always say, ''Mr. New York.'' He earned that title. His extraordinary passion for his City and his spirit of public service will live on in our hearts as long as there is a New York. To Lew Rudin, New York City was more than a place . . . it was a people—a people whose struggles and joys, uniqueness and oneness, touched his heart and moved him to take on our burdens as his own.

What manner of man? Many knew what manner of man he was by his deeds. He was a moving force and guiding light behind so many of the things that have become part of the fabric of New York—the many buildings of the most famous skyline in the world; the New York City Marathon and its Rudin Trophy, born of a collaboration of Percy Sutton, George Spitz and Fred LeBow (it was Percy Sutton who introduced me to Lew); the USTA National Tennis Center (a result of the hard work done with then USTA President Slew Hester) and later the realization of Arthur Ashe Stadium (when David Markin and Judy Levering were President); the ''Big Apple'' and campaigns; and so many other things that make New York, New York.

Lew Rudin was always there, in times of joy and times of triumph, leading the cheers

for this City and making things happen. But, as we know now too well, all is not joy and triumph. And it was during times like these—the toughest of times—when Lew Rudin's ''polished apple'' shone brightest. He knew, as did Dr. King, that: ''The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.''

It was Lew Ruding who stood with Abe Beame on the deck of what was then considered a sinking ship, and brought us in to a safe port. They refused to deliver up New York City to default. Instead, with the help of other faithful New Yorkers—Governor Hugh Carey, Victor Gotbaum, Felix Rohatyn, Barry Feinstein, Jack Bigel, among them—they weathered the storm of the most severe fiscal crisis this city has ever seen.

And, with a national coalition in which Senators Moynihan and D'Amato, Cardinal O'Connor, Jay Kriegel, and my other brother Charlie Rangel played pivotal roles, Lew went toe-to-toe with the President of the United States to fight off an attempt to abolish deductions of state and local taxes—a move that would have caused corporations to flee our City. It couldn't have been done without Lew Rudin. This City is, indeed, in his debt.

Lew Rudin was the heart of what has been called the ''Naked City'', a phrase all the more poignant in light of the events of September 11th. And he gave us so much more than magnificent structures and symbols. He gave us an unparalleled example of civic responsibility and commitment. And, man, do we need him now! In his final days, he was so proud of his fellow New Yorkers . . . of his City's spirit and resilience. He was proud of our resolve to rebuild our structures and reclaim our lives. He applauded the heroic efforts to rescue the missing, honor the dead and restore order to the City he helped to build, helped to save, and loved so dearly.

Lew Rudin was, indeed, a true friend to this City. And he remained a true friend to his dying day. And this he did because he had a deep and abiding commitment and caring for the people of New York. For all of the people of New York. So many times, Lew Rudin was the only white person in a sea of black and brown faces, whether occasioned by a time of conflict or a time of celebration. Without fail, the annual gathering of the One Hundred Black Men and the Association for a Better New York found Lew and Jack, Howard Rubenstein, Bob Tisch, Alan Tishman, Al Marshal, Burt Roberts and others in brotherhood with Bruce Llewellyn, Arthur Barnes, Roscoe Brown, Luther Gatling and Paul Williams. Lew always welcomed, and was always welcomed by all the communities of this City.

Lew Rudin lived his life according to very basic principles. He was heir to a family philosophy taught by his beloved parents, Samuel and May, that giving is its own reward . . . and giving of self is glorious. He shared that philosophy with Jack, and passed it on to his son Billy and daughter Beth. He gave his all to this City and its people, and gave of himself to many of us as individuals.

Those of us who had the great good fortune to know him as a friend and brother have been blessed to know intimately . . . what manner of man he was. Joyce and I will miss you, Lew. Our lives are so much fuller for having known you. You gave us the gift of your wisdom and humor, your counsel and your support . . . you gave us the gift of your friendship. And there is no greater gift. The City of New York is a better place because you were here. And we promise you, Lew, that we will not permit your City to remain buried in ashes. We will rebuild, we will restore, we will reclaim.

The death of Lew Rudin gives us reason to mourn. But his life gives us so much to celebrate. Lew Rudin has left us with more than memories—he has left us a rich legacy of his friendship, a legacy of caring, and a legacy of doing for others. It is said that service to others is the rent we pay for our space on earth. Lew Rudin departed us paid in full. Let him not look down and find any of us in arrears.

BY IRA HARRIS

Louie . . . when Rachel & Billing called Monday and said you wanted to see all your friends I cried as I realized there was going to be no more golf games or early morning or late night phone calls. When you asked me to speak today I felt like I had just been given the greatest honor one could receive.

I want to talk about Lew Rudin, the friend that so many of us were so privileged to have. The guy with whom I spend so many good times on the golf course. The guy who had that great sense of humor. I remember the gleam in your eye when we found out the first time I played the Nabisco-Dinah Shore, that my celebrity partner was not one of the great sports heroes like Frank Gifford or Bobbie Orr, or a movie star like Kevin Costner, but you, ''Mister New York''. I gave you the needle when I told you that I was going to ask for my money back, but you then reminded me that I was a guest of RJR.

President Ford reminded me yesterday, when we were telling ''Lew'' stories, how Phil Waterman and I got even by telling everybody at the Ford tournament in Vail that Rachel had made a ''hole in one'' that day. Bob Barrett got you to pick up the whole bill in her honor at the party that night at the saloon in Vail. You never complained even when Rachel announced that she had now conquered the game and was going to retire from golf. President Ford said playing golf with you was always a treat. He said to say thanks again for all your support over the years to both his and Betty's tournaments, and for being such a good friend to both of them.

It wasn't just presidents who loved and admired you, but it was all the pros and caddies too. Whatever tournament you arrived at it was always the same, the caddies crying out ''Mr. Lew, Mr. Lew''. They all loved you and it wasn't because they were impressed with your swing, but because you were you. . . . Then there was the time we were playing a tournament and you missed three shots in a row in the sand. You threw your club down, took out your cell phone and called your favorite pro at Deepdale, Darrel Kestner, to find out what you were doing wrong. Yes, Lew, I could go on all day telling Lew Rudin stories.

You loved to brag about your kids and grandchildren. They were so important to you. You left them the highest crown of life—a good name.

You never let your failing eyesight interfere with golf or anything else. Helen Keller was once asked if there was anything worse than losing your eyesight, she said, ''yes, losing your vision.'' Louie, you never lost your vision.

Lew, I knew when you got to the first tee up in Heaven, Gray Morton was waiting for you. Just remember he's a lousy cart driver and don't give him any gimmes, he chokes on the short ones.

Until we tee it up again . . . I'll miss you.

Good Morning,

On behalf of Rachel, Jack, Susan, Beth, Cliff, Carlton, Kyle, Ophelia, Samantha, Michael, myself and the entire Rudin Family we thank you all for coming. My dad would be upset that we are holding his funeral on Sunday, as he knows many of you have sacrificed your golf games to be here; he did not like to inconvenience people. But I know everyone here is very happy to make that sacrifice and be a part of the celebration of his wonderful life.

Dad, deciding where to seat people today was tougher than seating an ABNY breakfast. If you were here today, you would be looking out at this incredible audience made up your family, friends, co-workers, and the many leaders of business, politics, labor, media, not-for-profit and sports world, and the working men and women, like Alex his caddy and Jose his doorman, that gave as you used to call New York ''Your Town'' its energy and vitality.

It always amazed me how my father referred to a city of 8 million people, a melting pot of every race, nationality, creed and religion as just ''a town''. He beautifully and poetically synthesized the capital of the world into a small town where everyone knows each other and works together to make ''his town'' a better place.

If my father was standing here today he would ask Mayor Giuliani, Governor Pataki, and members of New York's Finest and Bravest to stand up and receive our thanks and gratitude for what an incredible job they have done to pull this city together during these trying times. He would tell us, just like he did with Governor Mario Cuomo the day after bombing, what strategies we should be using to rebuild Lower Manhattan and then give us a pep talk on how that if we work together we can accomplish anything.

This morning you will hear from the other speakers about how my father and his brother, Jack, carried on the tradition, established by their parents, May and Sam, of building major office and apartment buildings in New York City. And then using that position and power to help his town.

You will hear how he helped save New York City several times from the brink of bankruptcy,

How he formed ABNY in 1971.

How he saved the United States Tennis Association from moving out of New York and How he and Jack helped start one of the world's premier sporting events. The New York city Marathon in 1976.

You will hear of Dad's golf exploits and how at The Bing Crosby Pebble Beach Pro-Am he was on TV for a half an hour having his famous golf swing analyzed by Ken Venturi.

How he loved his many calm, relaxing, quiet games of golf at his favorite clubs, Deepdale and The Palm Beach Country Club with his buddies, especially Burt Roberts, Ira Harris, Gene Goldfarb, Jack Callahan, and Jimmy Peters. Guys, he loved taking your money. For a man ''almost'' blind he could sure hit those 40 foot puts.

You will hear about his wonderful medical team at New York Hospital and his excellent private nursing staff who cared for him while he was ill and helped prolonged his life.

And I am sure you will hear about many other aspects of a very successful, powerful but caring man.

To his friends he was Lew, Lewis, Luigi, or Mr. New York. But to Rachel, Ophelia, Samantha, Michael, Kyle, Carlton, Beth and myself, he was just Pops. A man who would stop whatever he was doing, even when talking to a Mayor, Governor, major tenant or banker and stop to take our call to us give directions because we were stuck in traffic on the LIE and wanted to know a short-cut around it. He was a frustrated commissioner of transportation. His door was always open and he was always available to offer sage advice whether it be a lease negotiation, refinancing, personal problem or a putt on the 7th hole of Deepdale. ''Four inches outside the cup on the right and do not hit it too hard or else you will knock it off the green''. Of course many times. I hit it off the green but the times I did sink the putt he would flash me one of those grins that a father has for a son he is very proud of. For Pops family came first and foremost. He loved and cherished his family and was very happy when we were all together.

Pops. we will miss those impromptu visits to the apartment as you were heading between 3 cocktail parties and 2 charity, black-tie dinners you were going to that evening just to give your grandkids a kiss hello. Michael and I will miss our rounds of golf particularly with you and Burt. Well, maybe not with Burt. Even when tired from the chemo treatment, you were always there for your grandchildren, attending a performance by Samantha or going out to dinner just so you could be with all of us.

Rach, Mom, Thank you for providing Pops with his only ever true home. He loved what you had created in Palm Beach, he truly relaxed down there. We will continue to cherish the memories of all the wonderful vacations and holidays we spent together. Thank you for sharing it with all of us.

Pops, Know that we will take care of Rachel and the rest of yours and her family. Rach, or as he lovingly called you Dr. Gotsmacher, Pops was not the easiest patient but he knew you were always taking good care of him and trying to get him back on the golf course. Mom, we love you very much and we will never forget the joy and happiness you brought to Pops.

Fifi, that was Pops' nickname for my beautiful wife Ophelia. He loved you and knew you were always there for him for the last 25 years, as he was always there for you. He knew what an important part you played in my life, always giving me support and encouragement and giving me true happiness. Your love and dedication particularly during his illness and making him feel at peace with his decisions is truly remarkable. You helped him fight an incredible fight with will and determination, strength and guts that is a role model for us all. Fifi, as he would say looking up from behind his desk in the den at Palm Beach, with his glasses partially down on his nose, ''Would you mind coming over and read the paper to me?'' ''sure Popsical'', she would respond, ''What section would you like me to start with?'' He loved you very much.

Beth, the other night as Dad's breaths were slowing, you hugged me and said I had big shoes to fill, I hugged you back and said and I know you will help me fill them. Pops relied on you and your wonderful sense of philanthropy, your special sensitivity for finding and getting involved in causes not necessarily popular but very important such as AIDS, homelessness, child advocacy and substance abuse. He was very proud of you and loved you very much. He was especially glad to get to know Cliff and see you happy.

Samantha, Michael, Kyle and Carlton, Pops was very proud of you. Each very special in your own unique way, but connected by the same instincts inherited from Pops—compassion, caring, giving back, and each are blessed with the rare ability to bring people together and make them feel important and special—just as Pops did.

You Kids, are his true legacy.

Thank you Uncle Jack for always being there for Dad and us. Your brother loved you very much. Dad cherished your relationship for it was a truly unique partnership. He knows that he has left behind an awesome responsibility and weight on your shoulders; but know that I speak for your kids, our cousins, and Beth, John, Dave, Sidney and myself and the rest of the Rudin Management team, we will all help you carry on the Rudin tradition. The two of you were true role models on how a family business should be run—we will make you proud.

Thank you all at Rudin Management Company and at ABNY for all your support, dedication and love. Lewis cared for all of you and wanted to know he appreciated everything you did for him and his family. Last week I told him what happened downtown and how brave and heroic our men and women performed under unbearable circumstances. He was very proud of each and every one of you. He loved you all. He also wanted me to especially thank his personal staff and express words of gratitude to each of you. Saundra, Lori, Chris, Tammy, Antoinette, Horace, Mary, Maggie, Krista, Doris and Isabel, he could not have gotten through his busy day and accomplished so much without all of you.

Several people have asked me what will happen to ABNY now that Lewis is not here, the answer is simple, with the wisdom and experience of my father's generation, the energy and drive of my generation, the enthusiasm and optimism of our children's generation and the love and power that fills this sanctuary, we commit to you, Pops, that the ABNY legacy will continue and we will fulfill your vision for a better New York. I asked everyone here and throughout this great city, to help us fulfill Pops' mission and help us rebuild and renew Pops' town.

One of the reasons I believe my dad fought so long was so that he could see his beloved synagogue re-open. Two weeks ago today he participated in the rededication. This synagogue and its leadership is a role model for downtown. Thank you Rabbi Rubinstein for being such a good friend and leader.

For a man with limited vision, Pops had true vision. He was always looking to the future, whether it was the 2nd Avenue subway, new baseball stadiums, or bringing the Olympics to NY in 2012; his vision stretched throughout his town. For a man who talked to Presidents, Governors, Mayors and world leaders and pinned Big Apples on all of the, he related to every person of his town, black or white, rich or poor the same, with dignity and respect. Pops saw no color, he loved everyone. Although he ate at The Four Seasons and ''21'' he preferred a Sabrett hot dog with kraut and mustard and a cream soda from the hot dog stand on 51st Street.

Dad was the scientific model for multi-tasking. He was not truly happy unless he was in his office simultaneously in a meeting, signing leases, barking out to Lori to get the Mayor on line 1; while screaming on line 2 to Burt Roberts to be quiet and ''So what if you were in the papers more than me today!''

He has gone in peace and left behind his ''town'' not just a little better but a great deal better than he found it—This is all he wanted people to remember him by.

Pops, I know right now you are already meeting with God to organize the Association for a Better Heaven, probably telling him to be brief because you have a tee-off time with your friend Gary Morton in an hour.

Moments after Pops made the transition to the next world the other morning, surrounded by his loving family, the phone started to ring. I looked around to everyone and said, ''It must be Pops. he borrowed God's cell phone to let us know he got to Heaven safely.''

We love and miss you Pops.

THE HISTORY OF NAFTA AND TRADE PROMOTION AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, I was a little disappointed a moment ago when my colleague, the gentleman from Virginia (Mr. CANTOR), spoke on this floor in support of the Trade Promotion Authority.

We all, including viewers of these proceedings, Members of Congress in their offices, Members of Congress that stop by and watch these proceedings, and others that tune into C–SPAN, see often Members of Congress simply talking about issues. They tell their side for an hour or 30 minutes, and the other side tells the other side, sometimes by party, sometimes by issue.

It is too bad that we did not get a chance today, as I would have liked to, to engage in a discussion as my colleague from Virginia began on his side a discussion of NAFTA and what the North American Free Trade Agreement has meant to this country.

There is so much to talk about with the North American Free Trade Agreement. While that passed back in November of 1993, my first year in this institution, and took effect in January of 1994, a couple of months later, what has happened with the North American Free Trade Agreement is very, very significant in this body today. That is because on Thursday the issue my friend, the gentleman from Virginia, was just talking about, the Trade Promotion Authority, which used to be called Fast Track until Fast Track became so singularly unpopular a term, after this body had defeated Fast Track not once but twice, in fact, in the late nineties, nonetheless, President Bush is bringing back Fast Track in a new cloak, only a new name, not much different, called Trade Promotion Authority. Trade Promotion Authority mostly is simply about taking NAFTA and all of its pluses and minuses and extending NAFTA to the rest of Latin America. I think that most people in this country, if NAFTA came to a vote, would say, I do not think we really want to expand NAFTA to the rest of Latin America, the President's flowery words notwithstanding and the flowery words of my friend, the gentleman from Virginia (Mr. CANTOR), notwithstanding.

Mr. Speaker, the issue of NAFTA can be encapsulated in a story that I would like to tell. Back when Congress in the late nineties considered expanding NAFTA to the rest of Latin America, considered what was then called Fast Track, now granting Trade Promotion Authority to this President, I, at my own expense, flew to McAllen, Texas, rented a car with a couple of friends, and went to Reynosa, Mexico, to see what the face of the free trade future looked like; how was NAFTA working, since it had been 5 years or so; and how were people in Mexico doing under NAFTA.

I went to the home of two people who worked at General Electric, one of America's and one of the world's largest corporations. They were a husband and wife, and lived in a shack not much bigger than 20 feet by 20 feet. This shack had no running water, no electricity, a dirt floor. When it rained hard, this floor turned to mud.

Now, these were two people who worked at General Electric at 90 cents an hour, they each made, 3 miles from the United States of America. Behind their shack was a ditch about 3 feet wide. Across that ditch was a 2-by-4 people could walk across to get to shacks on sort of the next block, if you will.

This ditch, flowing through this ditch was some kind of effluent. It could have been human waste, it could have been industrial waste, and likely it was both. Children were playing in this ditch. The American Medical Association, the Nation's doctors, called the border along the United States-Mexican border a cesspool of infectious diseases. They claimed that this area is perhaps probably the worst place for infectious diseases in the western hemisphere.

□ 2115

Now, when you visit the colonias where these Mexican workers, almost all of whom work for major American corporations, where in this country those workers are paid $15, $10, often $20 an hour working under generally safe working conditions protected by government regulation that keeps these workplaces safe, generally those companies dispose of their industrial waste into the air or into the water properly, so it does not pollute in the neighborhood very much. All of those companies in Mexico tend not to follow these rules. They tend not to install worker safety regulations and worker safety protections in the workplace. They tend not to dispose of their waste properly for the healthy well-being of their employees and the neighbors. Of course, the wages are one-tenth, one-fifteenth, one-twentieth as much, 3 miles from the United States.

As you walk through these neighborhoods, these colonias, you usually can tell where the worker works because their homes are constructed, the roofs and walls, the homes are constructed of packing materials that come from the companies where they work. They unload equipment. They unload supplies. They unload components from a supplier and they take those boxes home. They might take boxes from General Electric or General Motors, wherever these companies are, wherever these employees work, they might take those boxes home. They might be wood crates, whatever, and they construct their homes with these crates and boxes and packing material.

As you walk through the colonias in these neighborhoods where the husband and wife are both working 10 hours a day, 6 six days a week for big American corporations, making 90 cents an hour, they live in shacks with dirt floors, no electricity, with no running water, shacks made of packing materials coming from the company where they work.

This is the picture of the free trade. This is the picture of the future under NAFTA and a picture of the future under extension or expansion of NAFTA to Latin America through the Trade Promotion Authority proposal.

FOOD SAFETY

Mr. Speaker, I would like to talk a little bit about food safety tonight, because one of the things I learned as Congress has passed NAFTA in 1993, I think not a good reflection on this body, but nonetheless Congress passed NAFTA in 1993, what I found interesting about food safety is under NAFTA one of the things that has happened with food safety and with trade law is that pesticides that we have banned in this country, a chemical company might make something like DDT; it is still legal to make the pesticide in our country, it is simply illegal to apply those pesticides to fields in our country or to gardens or to lawns or anything.

Certain pesticides that are banned are banned for use in this country, but American companies still make pesticides and they export some of them to Mexico. So when we buy strawberries and raspberries from Mexico, in many cases those strawberries and raspberries would have had applied to them pesticides that are illegal in this country to use, but were made in this country and exported to those countries for their farmers to use.

Many of those farms are owned by large companies where there is not high regard for the workers' health, where there is not high regard, frankly, for the end product in terms of its safety for consumers' dining room, breakfast room tables.

So what happens, Mr. Speaker, is so often a pesticide will end up sold to Mexico, made by an American company, applied by dirt-poor, underpaid farmers, barely making a living, jeopardizing their health, because putting these pesticides on the land is every bit as dangerous, if not more so, because of the amounts they use, the volume they use, perhaps more dangerous than the ultimate consumption of those fruits and vegetables.

Mr. Speaker, after the pesticides are produced in the United States, sold to Mexico, applied on food, to strawberries and raspberries in Mexico, those fruits and vegetables are then sold back into the United States. And, frankly, it is pretty certain that pesticide residues are still on those vegetables or strawberries and raspberries and other fruits. So rest assured, in some cases as these fruit and vegetables come across the border, generally dismantled by the Gingrich years in this congressional body, our food safety and food inspection measures at the

border are so weakened or so unsubstantial, if you will, that this creates some danger for American consumers.

In fact, it is three times more likely that fruits and vegetables in the United States, imported fruits and vegetables are contaminated, three times more likely contaminated than those grown in the United States.

Instead of our passing trade laws that say we do not allow these pesticides in our country, we will buy your fruits and vegetables but you are not going to allow those pesticides to be used either, we do not do that. We simply say come on in, bring them in.

Let me talk about food safety and what is happening. In 1993, 8 percent of fruits and vegetables coming into the United States were inspected at the border. Today that figure has dropped to one-tenth that amount. Seven-tenths of 1 percent of fruits and vegetables coming into the United States are inspected at the border. That means, if my math is right, that means for every 140 truckloads of broccoli, one truckload is inspected. For every 140 crates of broccoli, 1 crate is inspected. For every 140 bunches of broccoli, 1 bunch is inspected.

That does not bring a lot of confidence to the American public, the consuming public, the eating public, if you will, as we eat the fruits and vegetables coming from these countries.

When I went to the border, and I am joined by my friend, the gentlewoman from Ohio (Ms. KAPTUR) who is one of the premier experts in this Congress and in this country in agriculture. She is the ranking Democrat on the agriculture Committee on Appropriations. She knows food safety in and out.

Before I yield to her, I want to tell another story about that same visit to Mexico where I stood at the border and watched the inspection of broccoli. I mentioned broccoli earlier because it is so in my mind from watching this inspection.

The FDA inspector who was doing his job, doing his best, he in those days was inspecting 2 percent of vegetables coming in. Since then, because of budget cuts that this Congress continues to do on public health issues and public safety issues, and nothing is more important to public health and public safety than a clean food supply, he was inspecting 2 percent then, it is one-third that amount now, about .7 percent.

He took a crate of broccoli off a truck, put it down next to him, took broccoli in his hand, took a bunch in each hand and slammed it down on a steel grate and was looking for pests, for insects to fall out of that broccoli, presumably dead or alive insects. If there had been insects that were alive that fell out, he would have put the whole truckload into a machine that would have sprayed the broccoli to make sure any of the pests were dead. If the pests were already dead, I am not sure what he would have done.

The FDA has only 750 inspectors, spends $260 million to scrutinize 60,000 food plants, inspect 4½ million imported food items each year.

As I said, in 1993 when NAFTA was passed, 8 percent of fruits and vegetables were inspected. Today that number is down to .7 percent, seven-tenths of 1 percent of fruits and vegetables are inspected.

We do not have the equipment on the border to check for E. coli. We do not have the equipment on the border to check for microbial contaminants. We do not have the equipment on the border to check for pesticide residues. You cannot hold broccoli and you cannot hold strawberries at the border for 2 weeks until the lab tests come back. So basically our food inspections at the border simply do not work right.

Now, Mr. Speaker, today we had a news conference to discuss this, and I want to mention one more thing before I yield to my friend, the gentlewoman from Ohio (Ms. KAPTUR).

The executive director, Mohammed Akhter, a physician, is the executive director of the American Public Health Association. He said in no uncertain words that fast track Trade Promotion Authority will undoubtedly mean more fruits and vegetables into the United States and a smaller and smaller and smaller percentage of those fruits and vegetables inspected. There is no doubt, because we have passed NAFTA on the cheap. We did nothing for truck safety, nothing for food safety, nothing for drug interdiction when we passed NAFTA. As traffic and congested increased 4 times, 400 percent along the border, we did nothing to prepare. There is nothing to prepare in the Trade Promotion Authority that the President is asking for to prepare for food safety inspections. We still are not doing our job. Especially the director of the American Public Health Association, the highest-ranking public health official in the country is saying that passage of Trade Promotion Authority, in his words, will mean more unsafe food in the United States, more outbreaks of disease, more infectious disease in the American people.

Last year 5,000 Americans died from food-borne illnesses, not all of them from imports to be sure, but it is three times more likely imports cause disease than locally grown produce. Not that we do not need to do better in both; 5,000 people died of food-borne illnesses, 80,000 people went to the hospital from food-borne illnesses; 300,000 people were sick from food-borne illnesses.

That is something we should not be proud of. Those numbers are going up more every single year. Those numbers will keep going up. In the words of the executive director of American Public Health Association, those numbers will just sky rocket if we pass Trade Promotion Authority, simply because we are not prepared at the border to do what we need to do to preserve food safety for the American public.

Mr. Speaker, I yield to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), who has been to Mexico, who has seen all of these food safety issues. She, I believe, will talk about some other things with Fast Track also. I yield to my friend from Lucas County, Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN), the very able Member from the Lorain, Ohio region, for asking me to join him in this Special Order this evening. I do not want to consume an undue amount of his time, and want to say that we are a better country and world because of his involvement and leadership on this issue in the area of trade, jobs, the betterment of the working conditions of America's workers and workers around the world. It is my great pleasure to join him this evening.

I am reminded of the former Governor of Texas, Ann Richards, who used to always say, ''You can put lipstick on a pig and call it Monique, but it is still a pig.''

In thinking about what is called Trade Promotion Authority, I am reminded of the trade debates we have had here in the Congress where the administration always changes the name. We know it is Fast Track. They tried to do that to us before where they bring a trade measure before the Congress and we have no opportunity to amend it. Through the Committee on Rules, they take away the constitutional rights of this Congress to amend and to involve itself in trade-making. It is right in the Constitution. Pick up a copy of it and read it.

So Fast Track basically handcuffs the Congress of the United States and takes away our constitutional power to make the trade laws for this Nation, because it says any president can negotiate an agreement with 59 other countries and not have to negotiate with us. Just bring it up here and try to fast track it through.

So when that ran into trouble, and the gentleman might recall this, when we became involved with China, they could not call it Fast Track. They had something called Most Favored Nation. They could not use Most Favored Nation, so then they changed the name. They said we will call it Normal Trade Relations with China. Well, no relations with China are normal. We are not dealing with a country that even recognizes any democratic rights, no worker rights, no religious rights, corruption at every level, state-owned companies, prison labor. And they want to have normal trade relations. So they changed the name.

Now we are back to, we had the North American Free Trade Agreement, NAFTA; like a treaty, and we were not allowed to amend. It was either up or down inside here, and I will talk about that in a second. Now they are talking about this Fast Track agreement for all of Latin America, not just Mexico, but adding Brazil and Argentina and a lot of other countries; but they do not want to call it Fast

Track. No, we cannot call it what it really is. No amendment by Congress to a trade agreement negotiated by the President. We are going to call it Trade Promotion Authority. That sounds like homogenized milk. Who can be against that?

Mr. BROWN of Ohio. Reclaiming my time, it is interesting that they have done that, because even though almost every newspaper editor, most of the large newspapers have supported all of these free trade agreements, because they are very conservative and very close to many corporations, and all the reasons newspaper editors do. And even with all of that and the President being for it and the business leaders being for this trade agreement, even with all of that, the American public clearly oppose NAFTA, clearly oppose Most Favored Nation status with China, clearly oppose what we do in the World Trade Organization, clearly oppose Fast Track.

Each one of these issues the public opposes. So as the public builds its understanding of these issues, they always, as my friend from Toledo points out, they always change the name. So Most Favored Nation status became PNTR. What is that? Fast Track Authority became Trade Promotion Authority. What is that? So they continue to try to confuse the public, and the public always catches up and understands it. You can bet 3 years from now when they are trying this again after we defeat it on Thursday, they will try it next year and the year after. They will come up with a new name because Trade Promotion Authority will not be a very acceptable name to the public.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

□ 2130

Ms. KAPTUR. Mr. Speaker, that is correct and the reason that the public does not support any of these is because they have been hit directly. That means they have lost their jobs.

In this country, ask the Brachs Candy workers in Chicago where their jobs are moving, already to Argentina, because of the way in which sugar is produced in Argentina, and Brachs uses a lot of sugar. So they cannot have farmers producing sugar, and the gentleman from Ohio (Mr. BROWN) talked a lot about foreign policy in agriculture; but because they can have plantation style sugar production, where workers earn nothing, where there are no environmental standards, where one does not have to dispose of field waste in an environmentally responsible way, and then companies like Wal-Mart, the largest purchaser of Brachs Candy, can set the price it wants.

That is what is going on in the world. Ask the workers at Phillip's Electronics in Ottawa, Ohio, whose jobs are being moved to Mexico; ask the workers at Fruit of the Loom in Mississippi. One can go State by State, region by region; and one can see the outsourcing of manufacturing and of agricultural jobs in this country, and it is the reason that the census bureau and all the income statistics that have just come out have shown that the wages of ordinary Americans for the last 10 years have not risen. When one discounts for inflation, people have been running in place and falling behind and losing their benefits, as the workers at Enron just did as it went bankrupt this week and they lost their 401(k) plans and lost everything that they had worked for.

This trade regime that has been set in place, that disempowers this Congress to represent our constituents has produced an economic policy that is drumming down the middle class in this country and forcing people around the world to work for almost nothing.

I would be pleased to yield.

Mr. BROWN of Ohio. As my friend, the gentlewoman from Ohio (Ms. KAPTUR), says, the biggest reason that wages have been stagnant in this country, understand for the 10 or 20 percent on top, salaries have gone up, but for most of the public, in the last 10 years, at a time of supposed economic growth, wages have not risen; and one of the major reasons for that is that company after company after company simply threatens to go to Mexico or threatens to go to Haiti or threatens to go to Honduras or threatens to go to China; and workers then are much less likely to demand wage increases, and in many times, many cases will give due wage give-backs so the company will stay there.

York Manufacturing in O'Leary, Ohio, was faced with threat after threat after threat of moving production to Mexico. Their wages stagnated for several years. Even then finally the company closed, moved part of its production to another place in the United States and most of its production to Mexico. So those wages were stagnant for several years, then the factory was closed and the wages became zero.

Ms. KAPTUR. Mr. Speaker, I hope that every worker in America who has lost their job because of one of these trade agreements will write the gentleman from Ohio (Mr. BROWN) or myself, will tell us who they are because we are going to keep a list of who they are because there are now millions and millions of Americans who have been hurt by these misguided trade agreements.

I heard some of the prior speakers saying how great this would be for trade and it is going to create all these great exports and cheap imports, and the truth of the matter is that is not happening either way.

First of all, in terms of exports, take Argentina and beef. Argentina now exports more beef before this authority even voted on, and wait until after it is passed, than we export to them. We are already a net importer of beef from Argentina.

Mr. BROWN of Ohio. In China, during the PNTR, remember, the Most Favored Nation Status that we talked about, they changed it to Permanent Normal Trade Relations to confuse as many people as possible, during that debate the administration promised, the supporters and the Republican leadership and others here promised, that American farmers would sell grain to China. They said China only had, if I recall, some 12 or 13 million metric tons of grain in their storage facilities in China; they would be importing grain.

What happened? Well, they actually had 50-some million metric tons of grain stored in China, and China since PNTR passed is now known to be a grain exporter. So every time we have a trade agreement, the agriculture community, family farmers like the Snyder family in Richland County where I used to work as a kid on a family farm, family farmers like that are promised that they are going to be able to export more grain, they are going to be able to export more fruits and vegetables all over the world because these trade agreements create all kinds of new markets.

The fact is, rarely, if ever, does American agriculture benefit. Some of the big American grain companies benefit, but almost never do family farmers benefit, whether they are corn farmers, whether they are tomato farmers, especially if they are tomato farmers, winter vegetable farmers, fruit and vegetable farmers in Florida where the price of tomatoes went up and Mexico has increased their tomato production exports to the United States and American farmers have gone out of business and Americans are paying more for tomatoes.

So we get it three ways: we lose jobs, prices often go up, and small farmers, even in Mexico, are put out of business, also.

Ms. KAPTUR. The gentleman raises an excellent point; and if there are farmers listening to us this evening, this Member of Congress' opinion is that the answer for increasing income to America's farmers does not lie in the export market. Rather, it lies in recapturing the market that we have lost here at home and moving our production to higher value-added products, including the production of new fuels.

If one looks at what is going on in Minnesota, with the corn growers in Minnesota, they have raised the price they are getting per bushel by the production of ethanol in southeastern, southwestern Minnesota by one dollar. In other words, they are at a low per bushel cost, about a $1.65, which is lower than we have in Ohio. They have actually added a dollar, not through exports, but through producing for the people in their own State; and we have to look toward new uses of agricultural product by our consumers here in this country; and we here at the Federal level, including our Department of Agriculture, our Department of Energy, have to help our farmer reposition in an international marketplace in which they have been forced to become the low-price producers, and they are not able to make ends meet.

They have got it backwards. We ought to be helping our farmers here at home invest here in order to recapture new markets in value-added markets here at home. And I wondered if I just might put some facts on the record because they are so staggering they often get lost in the debate, but they are important to talk about.

Let us talk about Mexico, and a lot of us were here and fought against NAFTA. It actually broke my heart because I knew how many people would be displaced here at home, and in Mexico; the wages had been cut in half. They had been cut in half. So one can ask who is making the money off a system where workers like Phillips workers in Ohio, thousands of them, lose their jobs and those jobs are moved to Mexico and the people down there, their wages have been cut in half. So who is making the money off this? That is the real invisible hand. That is the invisible hand that we need to identify.

If one looks at the U.S. trade balances with Mexico, prior to NAFTA's passage, the black bars represent trade balances, we had a trade surplus with Mexico. That means we sent them, sold them, more than they sold us. The minute NAFTA was signed, our trade balance began to turn into trade deficits. That means they are selling us more than we are selling them. That is a negative on the international trade ledger; and it is a very, very serious one.

I wanted to point out a couple of other points. It is not only a deficit. It is a growing huge deficit. Prior to NAFTA's passage in 1993, we had a $51.7 billion surplus with Mexico. That has now turned into a $24 billion annual record deficit. With Canada, which was also a party to NAFTA, we had before NAFTA a problem already. We had a $10 billion trade deficit with Canada. Guess what, since NAFTA passed we have a $50 billion trade deficit with Canada, the worst in the history of this continent.

So NAFTA has really had a reversal of fortune for our country and in one very important sector, and I just want to look at the automotive industry for a second. They said this would be just terrific for jobs in America; we would create all these jobs. What we are doing is parts are being sent down to Mexico from this country, things are being done to them, they are being stamped, they are being bent, they are being this and that. They are put in cars that are sent then from Mexico to the United States. So prior to NAFTA's passage, we already had a stream of production where production was being relocated from our country not to sell cars to Mexico's consumers, because they do not earn enough to buy them, but they back-doored the production into Mexico in order to pay the workers almost nothing and then send those cars up here.

In fact, the most popular car, the PT Cruiser, PT Cruiser costs about $10,000 to make. Not a single one of those PT Cruisers is made in the United States of America. Every single one of them is made in Mexico, and when one goes down to Mexico, how many Mexicans do we see driving PT Cruisers? We do not see any. Why? They cannot afford them. They are sent up here, and the amount of automotive trade has just tripled between Mexico and the United States. Those are jobs that used to be here. They are now being made in Mexico, and our trade deficit in automotive has just exploded.

What it is, it is the relocation of production. So that is NAFTA, that is Mexico, and Trade Promotion Authority. We are going to see the same with Brazil, the same with Argentina, any country simply because they do not have systems of governance, and their economic systems are not developed in a way that ordinary working people can benefit from this kind of investment.

Mr. BROWN of Ohio. Mr. Speaker, would the gentlewoman yield about autos for one second?

Ms. KAPTUR. I would be pleased to yield to the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I heard the gentlewoman say many years ago, before I made my first trip to Mexico to look at sort of what was happening in these industrial plants, that when one goes to Mexico and went to an auto plant where Mexican workers are making 90 cents an hour, roughly, that when one visited a Mexican auto plant it looked a lot like an American auto plant.

I remember the gentlewoman from Ohio (Ms. KAPTUR) said this years ago, that for the first time, that its technology was up to date; the plant sometimes was even more modern than American plants, they are newer; the workers were productive, they were working hard and the floors were clean. Everything looked just like an American auto plant except for one thing: the Mexican auto plant did not have a parking lot because the workers could not afford to buy the cars.

One can go all the way around the world to Malaysia and go to the Motorola plant, and the workers cannot afford to buy the cell phones. One can come back to the New World, to Haiti and go to a Disney plant and the workers cannot afford to buy the toys or one can go back to China into a Nike plant and the workers cannot afford to buy the shoes.

The tragedy of these trade agreements is that workers are creating wealth for large corporations, and they are not sharing in the wealth they create. They are paid barely enough to live on. They will never be in the middle class, and as the gentlewoman from Ohio (Ms. KAPTUR) said, they will never be able to buy American products. That is why the arrow always goes one way.

We send industrial components to Mexico. As a friend of ours, Harley Shaken, an economist in California, pointed out, they are industrial tourists. These components go from the United States to Mexico, almost like a San Diego teenager going to Tijuana for the weekend. The components go to Mexico for a couple of days; they are industrial tourists. They get assembled into cars and they come back into the United States. Everybody except for the large company loses. American workers lose their jobs; Mexican workers are paid subsistence wages and can never get off the bottom.

Ms. KAPTUR. The gentleman raises an excellent point because those are not real exports. They are U-turn goods. The gentleman is right. They are industrial tourists. They do not really create real wealth. They are merely there to try to exploit cheap labor, and this is happening all over the world, and the American people know it intuitively because when they go shop, it does not matter what one buys, it is all made someplace else.

In fact, trying to find something made in America is now an exception, rather than the rule; and that is draining out of our economy in a very invisible way to the ordinary person's experience the money that should be there for health benefits, the money that should be there for retirement benefits, the money that should be available in local regions to support the construction of schools, all these tax abatements that are being handed out left and right in all the 50 States to try to attract some of this investment that is moving to other locales around the world. They are not paying their fair share of property taxes and of taxes for education and all of the sudden education is being Federalized simply because local regions do not have the money to pay for the schools.

There are lots of costs for what we are seeing; and one of the biggest costs is America's image abroad, and let me give one example. Recently, I had a most compelling set of visitors in my district from the nation of Bangladesh, one of the poorest nations in the world, with over a hundred million people; and these were women workers. They did not speak English, but they came with a translator, and what did they do? Every hour, each of them makes 320 hats, ball caps and T-shirts, for places like Ohio State, the University of Michigan, all of our Big 10 schools, all these football teams and all around our country. For each hat that these women make, they are paid one and a half cents.

When those hats land in the United States, according to U.S. customs forms, the total cost of the material, the labor and the transportation is $1.

□ 2145

The average cost of one of those caps at any one of our universities is over $17. So you ask yourself, who is making the money?

And what is going on with this kind of system is that the very big investors around the world, and they have always been there, it was true for women

in the textile industry from the time of the Lancashire Mills in England, investment moves to an area where they can access cheap labor, and it is up to those in political life to hold them accountable for the communities in which they exist. They have no automatic right to be here. We allow them in our system to be here, and they had best respect the political system we have created because it is not continued by magic. It is continued because of the set of values and beliefs that we hold as a people.

With a nation like China with over $1.250 billion people, and we only have 270 million people in this country, when there is this kind of trade deficit, and that is what this chart represents, U.S. imports from China exceed our exports there by 6 times, by 6 times, the amount of trade deficit in any 1 year that we are amassing with China is over $50 billion annually. That is $50 billion that is escaping communities in this country, workers' paychecks, workers' benefit checks, the taxes that would go into supporting our educational system, and it is getting worse.

The trade agreement that was signed with China has not made our trade accounts improve. They have only gotten worse every single year. So whether it is Mexico, whether it is China, whether it is Bangladesh, whether it is Argentina, it does not matter. The system is the same system.

I hear President Bush talk a whole lot about evildoers. People can be evildoers, but also economic systems and political systems can be evildoers. They can do harm in a very, very real way. Those women from Bangladesh came to my community and told me that they had to work 7 days a week, these young girls, 18, 19, and 20 years old. They would work 12–15 hours a day, sometimes 20 hours a day, sometimes 48 hours straight because they had to meet their production quota or their company would lose its contract. They would literally curl up and sleep under their sewing machine for 2 or 3 hours, and then they would get up and sew again. None of them were beyond the age of 29, and one girl was fired because she got a gray hair and they said, she is getting old, get rid of her. They are treated like dirt.

This is not the image that I want our country to portray internationally. And to most Americans, these are hidden activities that they never get a chance to see. But I hope retailers, some of whom are listening tonight, please, develop some conscience. Your actions have consequence. There is a moral order here that we ought to uphold. And the economic system that you are a party to does not treat people with respect. It is not just commodities you are buying, you are buying a chain of production, and there are people at every juncture along the chain, and the invisible hand should not be invisible any more.

If I might, I wanted to share again a chart here that shows the long history of our country and what has been happening with these trade deficits year after year after year, lopping probably about 25 percent off of our economic prowess in any given year because of the extent of it, over $300 billion. And back in, oh, 1974, and then moving into the 1980s, we began to move into deficit cumulatively with all these countries, and it has gotten worse and worse and worse every single year.

Now, some people talk about the budget deficit, where the amount of tax revenue that we take in as a country is not enough to pay for all our bills, our defense expenditures, our Social Security, and all the other things we have to pay for. Well, there is another deficit, and that is the trade deficit. It is not talked about a whole lot, and people often confuse the two, but the trade deficit is another number that is terribly important. Because when we have this deficit, how do we finance it? When other countries and companies make money off this marketplace, where do they put those earnings? They have been buying the U.S. Government debt.

When I first came to Congress, 12 percent of our debt was owned by foreign interests. In other words, every year we would have to pay them interest on the loans that they would make to us. Today, that has gone up to 42 percent of our Federal debt is owned by foreign interests. And every year we have to pay those interests, over $300 billion a year now, to pay for their loans to us.

So for the younger generation, this is not a stable situation in which to leave the Republic. If anything goes wrong in the international marketplace, collapse in Japan, collapse in Germany, whatever might happen in terms of the economy, the question becomes: Where are other investors going to be putting their money? How secure is the United States? Politically, yes, we are very secure; but economically we have some pretty big gaping holes in our hull and we best take care of it.

I think that people like my colleague, the gentleman from Ohio (Mr. BROWN), and myself, those who will oppose us this week will say, well, you are not for trade. That is absolutely wrong. That is not even the issue. Those people who do not want to talk about the real issue will say that against us. But, in fact, we represent the northern part of Ohio. There is no part of America that trades more and is more dependent on free enterprise and the free market than northern Ohio, because we are heavily automotive, we are heavily agricultural, we have major ports, seaports, we have 24-hour-a-day air service out of our communities. We are the major spine of industrial America and also the crossroads of the Midwest.

Seventy-four percent of the American population is within a day's drive from my district alone. We are centrally located in our country. We must trade. But we want to trade in a system that respects democratic rights and freedom and the right of ordinary people to better themselves by the work that they do.

Mr. BROWN of Ohio. I thank my friend from Toledo. What she said about trading with democracies is so very important.

Last year, during the debate on Most Favored Nation status with China, what was euphemistically relabeled PNTR, executives and CEOs who normally do not bother with workaday Members of Congress, they normally only go to the leaders in each party, the Speaker, the minority leader, whatever; but CEOs were roaming the halls of Congress and repeating the mantra, we want access to China's 1 billion consumers; we want to sell our products to China's 1 billion consumers. But what they really cared about was access to China's 1 billion workers, who could work and sew those Ohio State baseball caps and those T-shirts from the University of Toledo or from Oberlin College or wherever. They wanted access to those workers who would work, had no choice really, would work for a few cents an hour.

In the last 10 years, and the gentlewoman from Ohio (Ms. KAPTUR) mentioned buying products, trading with democracies, what has happened in the last 10 years is western investors, investors from France and England and Germany and the United States and Canada, they are not very interested anymore in investing in democratic developing countries, countries that are struggling but that are democratic and developing, still pretty poor but democratic; they are interested in trading and investing in developing authoritarian countries.

In other words, they are not all that interested in Taiwan anymore, because Taiwan, again on Saturday, had a free election, perhaps the third free election in Chinese history. So Taiwan is clearly a working democracy. It is successful. They have done all kinds of great things. One of the great success stories in the world in the last two decades. They are not so interested in investing in Taiwan, but they are much more interested in investing in Singapore because they have a totalitarian government there.

They are not much interested in investing in India, but they are very much interested in investing in China. Why? Because China's workforce is docile, it does not talk back, it is an authoritarian country with no democratic elections, with no ability to speak out, with no ability to change jobs, and with no ability to organize a trade union.

And that is really why the World Trade Organization, which once met in Seattle in 1999 and had all kinds of demonstrations and all kinds of people speaking out in opposition to these policies, that is why they went to a city called Doha, the capital of a country called Qatar. The trade ministers decided enough of this openness, enough of this freedom, enough of this

people assembling and protesting and speaking out and having elections. They went to a country where they like to practice their business. They went to a country with no free elections; a country without the freedom of religion, unless you are publicly a Muslim, you are not allowed to worship any other religion; with no freedom of assembly; with no freedom of speech; with no free elections; with no freedoms at all that we are used to.

That is really what our trade policy has turned into. Our investors want to go to China where they have slave labor, where they have child labor, where there are no elections, where their workers are docile and do not talk back, rather than going to a free country where workers organize, where the environment might be protected, where worker rights are protected.

That is why many of these countries leave the United States to go to China. In this country, they pay a Social Security tax. That money is gone when they go to China. They pay into Medicare. That money is gone when these jobs go to China. They have to keep the environment clean in their businesses here. Do not have to do that in China. They have to pay living wages in this country. They do not have to do that in China. They have to have worker protections in the workplace. They do not have to do that in China.

Why are companies investing in China rather than staying in the United States? Why are they investing in China rather than India? Because India is a democracy, China is not. Why not in Taiwan? Because it is a democracy, Singapore is not. That is why it is so important that we in fact support trade.

My colleague and I both support trade, the gentlewoman from Ohio (Ms. KAPTUR) and myself, and so do all of us that are against Trade Promotion Authority. We promote trade, we support trade, we advocate trade, but we want to see trade with democratic countries where workers can share in the wealth they create. Not a place like China, where the workers at Nike cannot afford to buy shoes; not a place like Haiti where the workers at Disney cannot afford to buy the toys they make; not a place like Malaysia, where the workers for Motorola cannot afford to buy the cell phones they make.

We want workers to share in the wealth they create. They will then join the middle class and buy American products, and we will see both countries raise their living standards. That is what trade is all about.

Ms. KAPTUR. While the gentleman was talking about democracy and about trying to have a trade regime that uses the power of the democratic republics of the world and the free enterprise systems with the rule of law that have developed over two centuries, and then invite in the nations that would wish to advance, to have a system that would use the strength of the democratic republics and bring the others forward rather than pit them against one another, which is what is happening now, I could not help but think of one of the opponents who often comes to the floor and speaks against the gentleman from Ohio (Mr. BROWN) and myself, who usually says, well, we have got to trade because trade brings freedom. Trade brings freedom.

They use that phony argument. And I say, yes, we can have free trade among free people, but if we look at what is happening in the Middle East right now, there is not any set of nations that we have traded more with as a country than Saudi Arabia, Kuwait, and the United Arab Emirates. Why? Because we are totally and stupidly dependent on imported petroleum.

Now, if trade had brought freedom, they would have the most lively democracies in the world. But trillions and trillions of our oil dollars, every time we go to the gas pump and we buy petroleum, we buy gasoline, half of the money we spend goes offshore to places like Saudi Arabia and Nigeria. And now they are drilling in Sudan.

Mr. BROWN of Ohio. Right. Trade and economic activity did not bring freedom to Nazi Germany, to Fascist Italy. It has not brought freedom in any way, all the trade and supposed prosperity, to Communist China. And, as my colleague points out, it has not brought freedom to the Middle East, where we have all kinds of economic exchanges back and forth with Saudi Arabia.

Ms. KAPTUR. I have a story I want to put on the record. I know President Bush is very high in the polls, and I suppose one would be struck by lightning if they were to try to say anything that presents a different truth, but I have to present that truth because I personally experienced it.

As my colleague knows, a few months ago, before the terrorist attacks here in our country, President Bush brought the President of Mexico to my district, the Ninth District of Ohio. And one of the reasons he was brought in there was because, I am sure, President Bush would like to learn more about why people in our region, just like people in every region of America, oppose these trade agreements. So he brought in President Fox, and I had a chance to ride out there on Air Force One with both Presidents and had a chance to talk to them.

I had asked the White House, and I presented President Bush with a letter on the airplane confirming what I had called about, saying, you know, Mr. President, you and I do not agree on NAFTA, and many, many, millions of people have been hurt by NAFTA.

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But we have to figure out a way to improve it and to make it better. I would be willing to travel with you from any point in America where jobs have been lost to the places in Mexico where those jobs have been transplanted, and to talk to the workers in both locations with both Presidents and with Members of Congress and to try to figure out how do we work together as a continent in order to treat workers with the respect they deserve, whether in the industrial workplace or the agriculture hinterlands.

When we got on the airplane and he talked to us, I said, Mr. President, I proposed the trip and that we amend NAFTA to create an organization on an inter-continental basis for working life in the Americas. I said we could have a forum to deal with some of these poignant and deeply difficult and complex labor and environmental issues.

He said, no, he did not have a chance to read the letter I sent his staff a week before. I said, Mr. President, here is another copy of the letter. And I handed another copy to President Fox, and I had sent it to the Mexican embassy. President Bush said, It looks kind of thick. Is it single spaced? That is what he said to me.

I said it is single spaced, but the paper is folded. That may be why it looks a little thick. I said, I would appreciate if you would read it. He said it is single spaced, I have to use my glasses, and I cannot do it now.

I said, Mr. President, I appreciate an answer because I do not think anything that I am proposing is very radical. I did not get an answer from the White House. I can say September 11 happened and the world shifted, but I did receive a reply from President Fox.

Last night at the White House Christmas party, I occasioned to talk to President Bush, wishing him and his wife and all those who are involved in the war God's blessing.

I said, Mr. President, I do have to mention one item: you never did answer me on the letter from the airplane; remember we talked about it? He said oh, yes, and he kind of winked and smirked a little bit, and he said it must have gotten lost in the shuffle. It was not even said with seriousness, and it really hurt me because that is how workers are being treated. They are being lost in the shuffle, in this country, in Mexico, in places like Bangladesh. We are not fully conscious; we are not paying attention. We do not want to pay attention to the economic system that is hurting so many and not treating them with the human dignity that they deserve.

So much of world history is related to economics. I would say most wars, 74 percent, 75 percent of the reason we get in wars relates to economics. The history of this country, the Civil War, the pains of which and the scars of which we are still healing today, what did it have to do with? It had to do with whether or not we would extend the plantation system of the South to the West, and the plantation system with the slave labor with the kind of indentured servitude that characterized economic activity up until that point. It was about economics.

Even now to a great extent, in my opinion, the unrest and the hatred of so

many in the Middle East toward us is due to the fact that because we have been trading with undemocratic systems that have not shared that vast wealth with the ordinary people of those countries, figured out some more representative system of government where all parts of the country could have roads and hospitals and children would have the ability to go to school, not just because you are the king's cousin or because you are Sunni as opposed to a Shiite, that there are divisions that do not get full representation, economics underpins so much of the trouble in the world today.

Mr. Speaker, I guess that is the reason we fight so hard because we know if we do not do it right in the first place, we are going to get a reaction down the road that will be like a boomerang.

Mr. BROWN of Ohio. Mr. Speaker, one of the joys of this job, serving as one of 435 Members of this body that we call the House of Representatives, is that we are at an interesting time in our history. We are clearly the wealthiest Nation on Earth, the most powerful militarily. We clearly are a country that has the most opportunity to do good in the world. One of the ways we do that is using our economic prowess in trade agreements; we could do this, to lift up standards around the world.

Mr. Speaker, that means when we trade with Mexico, for instance, and I think we should trade with Mexico and do a lot of trading with Mexico, rather than pulling our truck safety standards down to Mexico's level or pulling our food safety standards down to Mexico's level, or pulling our safe drinking water and clean air and anti-pollution standards down to Mexico's level, that we can instead pull their standards up. We have the ability to do that. We can write trade agreements that say when an American company invests in Mexico, they have to dispose of their waste in the same way there that the Environmental Protection Agency makes them do in this country.

These companies, the chemical companies, the steel companies, the automobile companies, they do not do the right things in the environment in the United States because they are being kind, they are doing the right things because it is Federal and State law, and local public health department regulation that they dispose of their wastes in a certain way that keeps the environment cleaner and healthier.

We could say to American companies in Mexico that they have to follow the same environmental standards. Pesticides that we banned here are not made and sold to other countries by American companies. We could say in China, sure, we will trade with you in China. We will be glad to buy and sell and trade with the People's Republic of China; but in return no more slave labor, no more child labor, no more selling nuclear technology to Pakistan, no more shooting missiles at Taiwan because they are holding a free election.

We are a wealthy enough country to say if you want access to us, you cannot behave certain ways. If China wants to sell their products into the United States, and clearly they do because the U.S. buys 40 percent of China's export, and they cannot say we will sell it somewhere else, because they are already trying to sell as much as they can everywhere else. If we say we are not going to buy your goods anymore if you keep using child labor and if you exploit 15- and 16- and 17-year-old girls and break their spirits and bodies and souls, and throw them out on the streets when they are 22 and make them work in the sex trade and give them no other choice, we could do that; and that is why it is so disappointing that we pass trade agreements that do exactly the opposite.

Instead of lifting up environmental standards around the world, lifting up wages around the world and lifting up food and drug safety and auto safety, instead of doing that we are bringing our own standards down. As wages stagnate in this country because of threats to move abroad, as jobs are lost, as we weaken public health laws in this country closer to what they are in other countries, we are giving away so much that we fought for in this country for 100 years.

I have a pin that I wear that is a depiction of a canary in a bird cage. One hundred years ago mine workers used to take a canary down into the mines and if the canary died, workers got out of the mines. In those days, a baby boy born in the United States could live to be about 46; a girl could live to be about 48, the average life expectancy. Those workers had no protection from the government. Their only protection was the canary they took down in the mines.

But because of progressive government fighting against the gold mining companies, the coal companies, against other wealthy, rich advantaged interests in this country, we were able to pass minimum wages laws, worker safety laws, pure food laws, automobile safety laws, and all of the things that enabled people to live 30 years longer, enabled people to live better, longer lives through Medicare, through Social Security, all of the things that we in this body and in State legislatures and public groups and citizens' organizations have done to make the standard of living better in this country.

Mr. Speaker, I do not want to give that up as a Nation. That is why we need to defeat Trade Promotion Authority and write trade agreements that lift people up, not pull people down. That is the American way.

When U.S. Trade Representative Bob Zoellick, appointed by the President, when he says those of us like the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. BONIOR) and the gentleman from Michigan (Mr. STUPAK), when we oppose these trade promotion authorities, we are not helping them in the war against terrorism, implying that people like myself and the gentlewoman from Ohio (Ms. KAPTUR) are soft on terrorism, implying that people like the gentleman from Ohio (Mr. BROWN) and the gentlewoman from Ohio (Ms. KAPTUR) are a little less patriotic because we are not supporting the administration on these agreements. The fact is the right side of American values is to lift people up around the world, not pull people down.

Mr. Speaker, it is important, as the gentlewoman from Ohio (Ms. KAPTUR) and I discussed, that Members vote against trade promotion authority.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for allowing me to join him this evening in our great efforts to defeat Trade Promotion Authority and move toward more democratic trade agreements for the world.

HISTORY OF THE CIVIL WAR, MILITARY TRIBUNALS AND DETENTION

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, obviously the last hour of conversation was very one-sided, and clearly no opportunity to rebut it; so I intend to address a couple of comments by the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. BROWN) because I think clearly they were either confused or there was some confusion in the research that they did for their comments.

Then I intend to move on from that and address my primary subject this evening, military tribunals, the question of treason against the individual who claims that he is an American, apparently is an American, and has been captured by the Northern Alliance and now turned over to American troops.

I would also like to talk about what is called detention of certain individuals in the country under this investigation and protection of the security of the Nation.

First of all, let me address a few comments made by the gentlewoman from Ohio (Ms. KAPTUR). First of all, it would be some benefit to her to study history of the Civil War. She would find, probably to her surprise, that the Civil War was not driven by economics; the Civil War was driven by the principle of slavery.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield on that point?

Mr. MCINNIS. Mr. Speaker, if the gentlewoman will not interrupt me.

Ms. KAPTUR. Mr. Speaker, the gentleman from Colorado (Mr. MCINNIS) mentioned my name.

Mr. MCINNIS. Mr. Speaker, I have the floor and I ask the courtesy that that rule be respected, and say to the gentlewoman from Ohio (Ms. KAPTUR), I would be happy to yield to the gentlewoman on another occasion. However,

they had 1 hour of uninterrupted time. Perhaps at the end of my hour, I would be happy to have that conversation with the gentlewoman. Prior to that, I have no intention of yielding.

Mr. Speaker, let me go back to the Civil War. The comment made about the Civil War was driven by economics, come on, give me a break. It was not economics; it was slavery.

Let us go on to another comment. The Middle East problems are because of trade. Jimminy Christmas, somebody has to study some history here before those kinds of comments are made to our colleagues.

Clearly there are economic issues anywhere in the world; but the economic issues, contrary to what the gentlewoman from Ohio has said, they are not the driving problem in the Middle East. What I would suggest to the gentlewoman, with all due respect, is to take a look at the religious history of those countries, and I think she will find more of the fundamental problem in the Middle East has to do with the religious differences and the religious histories of those regions of the world than it does whether or not America allows their President to have authority on Fast Track.

I think it is a little unfair for any of us, and this includes the gentlewoman from Ohio, and I say this with due respect, nobody else is here to rebut it, and I think the gentlewoman before she carries on about a personal conversation between she and the President of the United States, especially a conversation that was not intended to be of kindness towards the President of the United States, that those conversations also allow for a response from the executive branch so we hear both sides of the story. It is not to question the accuracy of what the gentlewoman from Ohio said. Maybe she was accurate in her comments about what the President said, but I think the President or a representative of the executive branch ought to be included in this debate so we hear both sides of it.

□ 2215

Finally, let me stress, and then I will move on to the comments of the gentleman from Ohio (Mr. BROWN) and the comments of the gentlewoman from Ohio (Ms. KAPTUR), let me tell my colleagues, an isolationist view is not going to cut it. If we had adopted the type of view that is proposed by the gentlewoman, how would we ever build a coalition, for example, to help us in our war against terrorism? Trade has to be fair trade. There is no question about it. I do not know one of my colleagues, I do not know a Democrat, I do not know a Republican, I do not know either one of them, that proposes that the United States enter into an agreement that puts the United States at a disadvantage. I know none of my colleagues that want the United States at a disadvantage in a trade agreement. Maybe I am wrong, and I stand corrected. By the way, I will yield time to any one of my colleagues that wants to come up and say they are willing to agree to an agreement that puts the United States at a disadvantage. None of us agree to that. Of course not. That is pretty fundamental. The only reason people are supporting trade is because they think in the long run it benefits the United States of America. It is not because of, as some have suggested, corporate greed for an effort to revolutionize the Middle East or some of these other things that have been mentioned, I think somewhat recklessly. It is not that.

Mr. Speaker, all of us in our own heart of hearts have differing views on this floor, but I can tell my colleagues that the view of just saying that look, the only time we are ever going to agree with trade with other countries or to trade agreements with other countries is the idealistic view that everything the United States wants is everything the United States gets or we are going to take our ball and go home. I think an agreement ought to benefit the United States of America, but I do not think we are ever going to reach many agreements, including with many constituents who I think are benefited in the State of Ohio, I do not think we are going to reach many agreements if it has to be 100 percent for the United States and zero for the other side.

Take a look at our agreements with Canada. They are critical about the free trade agreements we have. Look at the Canadian trade. Sure, we have disagreements with them on beef, we have disagreements with them on some of the fisheries and so on. But take a look at all of the products that go back and forth across those borders. That border is probably the most traded border in the world. It has been a pretty darn good relationship, and the United States has benefited from it over the years.

Now let me comment about the comments of the gentleman from Ohio (Mr. BROWN) which I think were most unfortunate. The gentleman made a comment, and I am quoting to the best of my ability here: We should not pull our standards down to Mexico, our environmental standards, our labor standards, et cetera. Remember what was just said. We should not in these trade agreements pull our standards down to Mexico. I challenge the gentleman on that. I challenge that gentleman to show me one trade agreement, one trade agreement that requires the United States to reduce its environmental protections within the boundaries of the United States of America. I challenge the gentleman from Ohio, contrary to what he has said, but I am asking him to show that he is correct. I am asking him to buttress his argument with facts, show me where the air quality of the United States is required to be reduced or made more dangerous because of some kind of trade agreement where we agree with some other country that our air standards, our water standards, our sewer standards, our hazardous waste standards, should be lowered because the other country wants to trade with us. That, in my opinion, is flat wrong. The facts do not support it. Yet the statement is made.

If I were not here, this statement would have gone unrebutted. The statement is freely made on this House floor to all of my colleagues that when the United States, when they asked the United States to give the President fast track authority, what they are doing is asking the United States to lower its environmental standards for the United States. That is not correct. That is inaccurate. I would hope that the gentleman tomorrow makes a corrective statement.

Now, I give the gentleman credit. The gentleman is a very bright man, very capable, obviously. So perhaps the gentleman misspoke, and I would hope that tomorrow he has the opportunity with the RECORD to correct that kind of statement because, frankly, it is now a part of the RECORD, and I think we have to be very careful about those statements that continue as a part of the RECORD and may later on be introduced in some type of proceeding.

My comments were not intended this evening to center on a rebuttal of the previous 1 hour. Let me make it clear to my colleagues out here, my purpose in rebuttal was simply that no one else was responding to these charges and, under the rules, the previous speakers did not violate any rules, they spoke in the time that was allotted to them. They were allotted an hour and they gave their side. Well, I did not intend to speak on their specific subject. I do feel that sometimes it is a little unfortunate up here that one side speaks and the other side is not heard, so that is exactly why I spent the first 10 minutes of my comments this evening at least giving somewhat of a perspective of the other side, so we can have a little bit more of an open debate based on facts versus emotional charges of which, in my opinion, the previous hour was full of.

Let me move on. We have seen in the news in the last couple of days something that I guess we should have expected would happen but, nonetheless, we were all taken back a little bit by it. None of us really envisioned that an American, an American young man would go over to Afghanistan and join the Taliban. None of us suspected that a young man would take on the cause of atrocities against the people that a government represents. Take a look at the abuse of the women, the abuse of the people of that society. Well, it happened. A young man, 20 years old, I guess his name is Richard Walker, Mr. Walker. He has changed his name legally. I do not know what the new name is, but at one point he was known as Mr. Walker, 20 years old.

Let me give some facts, the facts as they have been presented to us, we will have to determine, these are subject to change, but as of right now this is apparently what happened. The young

man dropped out of school, decided to convert to Islam and, at some point in his conversion to Islam, decided to take or adhere to a very radical interpretation of Islam, which most of the people of Islam that I know of say is not a part of Islam, that this radical approach by the Taliban and by bin Laden is an incorrect interpretation of the Koran. But this gentleman, this 20-year-old man, decided to take the study and decided to affiliate with the radical aspect or the radical interpretation, especially when it came to Jihad. So he took up arms apparently with the al Qaeda in support of bin Laden, fighting, fighting his brothers and sisters in the United States of America. In other words, the facts show that in an earlier e-mail to his father; now, I just heard ''father,'' I would assume to his parents, let us just say to his parents at this point, e-mailed arguments in support of the right to blow up the USS *Cole*. Remember, that is the ship, I say to my colleagues, that a few months ago a boat full of explosives blew up the side, I think it killed 18 sailors. Also, at the time of his detention when he was captured in Afghanistan a few days ago, his comments were such that he supported the fighting action and the acts of terrorism taken against the United States on September 11. On top of this, this American citizen was also found with an AK–47.

So those are facts. Now, each of those facts on their own, well, with the exception of maybe the AK–47, but the fact that an American citizen agreed that the USS *Cole* should have been bombed, that in itself is not a charge. I mean we do have freedom of speech in our country, although certainly that is a very, very small, small minority of opinion from this country. Certainly he is entitled as an American to make those kinds of statements. A person saying that they support actions, the terrorism actions against this country on September 11, those statements made by an American citizen, while clearly wrong, it is a right of freedom of speech to make them.

But it is the accumulation of these that begin to outline exactly what I think this individual should be charged with. When we take those comments and we add them with the fact that this young man was captured in a battle when the opposing troops who fired upon American soldiers with the intent of killing American soldiers, who fired upon American aircraft and allied aircraft with the intent of bringing down those aircraft, who was involved with an organization that we know has savagely killed people in that country and, of course, was also the organization responsible for the attacks on September 11, when we combine it with that and the fact that he was arrested with an AK–47, we begin to say, wait a minute; this is an American who has turned as a trader against his country, he has betrayed his country, he has left America, maybe not formally by denouncing his citizenship, but the fact is, there may be an automatic denouncement of one's citizenship if, in fact, one takes up arms with the enemy and fights against the United States of America and attempts to kill citizens of the United States of America in an action, in a war against the United States.

That is a question that I am not really prepared to answer tonight, but I was interested in what would we charge this young man with, or should we charge him with anything? We have heard some argument come out in the last couple of days that oh, the poor little kid, the poor young boy, he is confused. We ought to do what some of the Afghans are allowed to do. The Taliban that are Afghans of nationality, some of them have been allowed to surrender their arms and go home. There is some argument that this young man should be allowed to drop his arms and come back to the United States and go home.

That is a hard one for me to swallow. I do not think we have that case at all. I think what we have is a clear-cut case of treason. I say this carefully. I have been spending the last several hours in my office doing a lot of research. I listened to, frankly, Jonathan Turley, an expert in constitutional law. I should let my colleagues know I was a lawyer, I am legally educated, I am not a constitutional lawyer, do not pretend to be; but Mr. Turley is, and I listened to his arguments this evening on the Bill O'Riley Show, and both of those individuals spoke with some eloquence on this issue.

I want to look at the Constitution itself. Treason is such a serious crime. In our Constitution, we do not describe within the four corners of our Constitution homicide, we do not talk about burglaries, we do not talk about speeding or any of these other acts. There are a couple of acts that we talk about, but the first crime of this Nation, and probably the most egregious crime against this Nation is addressed in the Constitution, and I have it right here in front of me. That is the crime of treason. So I am asking my colleagues tonight, because we might, and I hope we do not, but we might discover there are some other Americans who have betrayed this Nation who have committed treason, in my opinion, against this country, and we really ought to assess, should we just turn our cheek in the other direction simply because the gentleman had an American citizenship card? Or should we look at how horrible the act of treason is against this country, so significant that the drafters of our Constitution included it within the Constitution, the definition and the description of treason against this country.

Let me refer my colleagues here to Article III under the Judicial Department, section 3, Treason against the United States. ''Treason against the United States shall consist only in levying war against them,'' them refers to the United States, ''or in adhering to their enemies.'' In other words, they are going to join the enemies, giving them aid and comfort.

□ 2230

Giving them aid and comfort: ''No person,'' and this is interesting in the crime of treason, ''no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or a confession in open court.''

There are a number of issues presented by this paragraph. Let us go section by section. Let us go in reverse order.

First of all, a confession in open court. Where will this case be tried? Is this the type of case we would try in a military tribunal? I think there is wide agreement this would not be tried in a military tribunal. He is an American citizen. The military tribunals were not intended for American citizens. So because of the fact that he is an American citizen, it probably will be tried in the Federal courts, not a military tribunal nor in the military courts.

Two witnesses to an overt act. Why is it important? Our forefathers saw treason as such a horrible crime against the Nation, as a crime of such significance against this Nation, that they said we could not build it on circumstantial evidence alone, we actually had to have two witnesses to the act of treason.

We do not want to convict someone of treason, was the thought of the drafters of the Constitution, unless we know and have witness to the treasonal acts carried out by these individuals. So that is stated very clearly.

Now, let us jump, here. Giving them aid and comfort. There is no question that the facts as we know them so far are that this individual gave aid and comfort to the Taliban. He considered himself a member of the Taliban. He probably had dual citizenship, and there is actually some point about dual citizenship.

This is a further interpretation of treason:

''An American citizen owes allegiance to the United States of America,'' wherever they may reside. So in our interpretation, under our Constitution, it is clearly the intent of the Constitution that an American citizen owes allegiance to the United States, owes allegiance to our Nation, wherever they may reside. It does not matter whether one lives in Japan, whether one lives in Afghanistan, whether one lives in Europe, that as a citizen of the United States of America, one owes allegiance to the United States of America. Dual nationality does not alter that situation.

So some might say, wait a minute, he was a citizen of the Taliban government and he was a citizen of the United States of America, so he had a dual citizenship. He has a conflict. He had an obligation to carry out the wishes of bin Laden and the Taliban government and the al Qaeda.

But we have already addressed that situation. This is not a new factual situation. It is very clear: wait a minute, it does not matter what other countries one has a citizenship to, but if one is a citizen of the United States of America one must have allegiance to the United States of America.

That standard of allegiance is not in any fashion diluted by the fact that one also has citizenship of another country. So keep that in mind, because I am sure as the defense attorneys start to put this together, that will be an argument as brought up initially. It will be quickly squashed by the courts, because it is clear under our law that one's allegiance to the United States of America is not diluted, that the standard of allegiance is not diluted because one has dual citizenship.

Now, we are already beginning to see the old defense tricks starting to bubble up in some of these interviews that I have seen just in the last 24 hours. I do not practice law anymore under the ethics of the House, but when I practiced law, I was able to observe a lot of criminal defense work. I was not a criminal defense attorney. In fact, I need to be fair and give a little disclosure: I used to be a police officer. I served in a squad car on the street before I went on to law school.

I was not a prosecuting attorney, either; but I did like to observe, out of interest, a defense attorney work. There is kind of a basic rule, a fundamental rule if one is going to defend somebody.

Number one, if they are innocent, that is the best defense one can get. If one's client is innocent, you could not ask for a better defense, because the facts will play it out. It is a strong weapon to go into the courtroom with, that is, that the client is innocent.

But a lot of times one does not get that benefit. A lot of times the client is not innocent. Then what one tries to do is to divert from the lack of innocence of the client and divert attention to the people who are accusing the client.

For example, they might allege sloppy police work or that the witness was having an affair or is a known liar or has some incentive to turn witness against the client; do anything you can to divert from your client's lack of innocence to some kind of vendetta or sloppy work, and therefore your client has been unjustly charged.

If those two steps do not work, then go to the traditional, and probably as long as this country has been around, probably as long as defense law has been around, but certainly much more prevalent in this country in the last 10 or 15 years, go to that old standard, ''My client was a victim.'' That is exactly what we are beginning to see here in the last 24 hours with this young man who I allege committed treason against the United States of America.

By the way, I have sympathy, but that is about the extent of it, for the parents of this child. I am a parent, about the same age as the father. I would be horrified if one of my children was doing the same thing. But the fact is that it does not forgive it.

What we are beginning to see is that this young man was a victim; that somehow, as the father said yesterday, he was brainwashed; or he was a victim of the Taliban; or they put pressure on him; or, you know, he was such a young man.

Let me tell the Members, the people he was shooting at were young men and women, too; young men and women who were not brainwashed, so to speak; young men and women who obeyed the allegiance to the Constitution of their Nation; young men and women out there who this young man was trying to aid and comfort the enemy of, and joined the enemy in attempting to wipe out the United States.

Those thousands and thousands of citizens killed on September 11 were innocent. And by the way, there was the most fundamental violation of wartime moral ethics, and that is, one does not attack innocent citizens; one attacks a military target under a situation like this.

But what we are beginning to see is some kind of sympathy buildup for this young man, because he was young and, oh, my gosh, the parents are horrified. I understand the parents, by the way; I feel for them. But that is all the further it can go. Our Nation cannot allow, cannot allow us to turn our cheek on the Constitution, on an act like treason; an act, as I said earlier in my comments, that was taken so seriously it was put in the Constitution.

It is right here. It was put in the four corners of that Constitution to tell us that treason is probably not only the first crime recognized by this Nation, but one of the most serious crimes recognized by this Nation.

So I am going to look with interest to see exactly how this is handled. And obviously, from my statements, Mr. Speaker, this evening, Members know that my thoughts are that this gentleman should be tried in the Federal courts for treason against the United States of America and that he should be prosecuted to the fullest extent of the law.

Let us move on. We have had a busy evening so far. I want to talk about another issue that is very important, that is, military tribunals.

There has been a lot of talk. The talk radios are full of it, the newspapers, lots of editorializing on both sides of the issue. So I wanted to lay out some of the facts.

I have spent a lot of time. I have been on several shows talking about military tribunals. I think I am somewhat knowledgeable on the subject; I do not claim to be an expert in much of anything. But the fact is, I do want to share my views on these military tribunals. I think there are some legitimate, good reasons to support military tribunals.

I know some of my colleagues are dead set against this kind of thing and that somehow they have bought the ticket that this is a violation of civil liberties, that this is unconstitutional, et cetera. I will address those points. All I am asking is that for a few minutes Members give me consideration of presenting the other side of the issue, the side that supports the need for military tribunals.

First of all, Members should remember that the actual rules of the military tribunal have not been laid out specifically; but I think we can feel very confident, and I think they will be required by the standards set for military tribunals throughout the history of this country, that the defendant obviously will have the right to counsel; the defendant obviously will have the right to testify; the defendant will have a full and a fair trial; the defendant can be assured that they will not be prejudiced against because of race, gender, or status; that they can freely exercise their religion while in captivity; that they will be given food and shelter and the other things that are provided for people, citizens that are alleged of a crime.

So do not let people tell us that for some reason they are not going to get legal counsel. I will talk about the secrecy issue a little later on, but the secrecy is not going to apply to the extent that it denies the defendants in these cases a full and a fair trial. If it did, they would be unconstitutional.

Now, the constitutionality of military tribunals has twice been addressed by the United States Supreme Court. Twice the United States Supreme Court has upheld the constitutionality of military tribunals. So as we hear people say, well, it is unconstitutional, I think we need to say, wait a minute, be a little more specific. If the military tribunals follow the same standards or the same course of conduct as previous military tribunals have, they have been found constitutional. So on what basis can people say they are unconstitutional?

The fact is, they are constitutional. There is a lot of history to military tribunals. They did not just start with President Bush. Remember, President Bush's priority is not to get the defendants, not to create some type of new Constitution in this country, not to usurp the current Constitution. President Bush's primary drive here is to protect the security of U.S. citizens.

When we have to decide, okay, which way do we lean, in favor of protection, home security, homeland security for the citizens of the United States, or should we sacrifice homeland security for the citizens of the United States to go out and quell the concerns of a few civil libertarians, who, by the way, do not have the law on their side? The law is not on the side of those who are saying it is unconstitutional; the law is on the other side, saying it is constitutional.

The President I think very accurately and very correctly has made his point clear. His number one priority is

the security of the United States of America. The people of the United States of America come first. The security of those people is an inherent obligation not only of the President of the United States as Commander in Chief, but the security of this Nation and the security of the people of this Nation is an inherent obligation of everyone sitting in the United States Congress or the United States Senate or in any public office, or working for the government. Their number one priority is the citizens of the United States and the protection of the citizens of the United States.

Let me give just a little history. Many people are surprised by the history of these tribunals. This history started in the Revolutionary War. Military tribunals were held at the very beginning of this country in the Revolutionary War. There were spies that were caught behind U.S. lines during the Revolutionary War, military tribunals in 1776. President Lincoln's assassination, 1865, a military tribunal; military tribunals right there under the assassination under President Lincoln, or because of President Lincoln's assassination.

World War II, Japanese officers who failed to prevent their troops from committing atrocities during World War II, those Japanese officers were subject to a military tribunal. That tribunal was taken to the United States Supreme Court, and it was found constitutional.

Nazi saboteurs who landed on the coast of the United States in 1942 with the intent to destroy industrial facilities. Those military tribunals also had as part of the punishment death penalties which were carried out against these saboteurs. The United States Supreme Court also found that military tribunal was constitutional.

There is history in this country. This is not a precedent-setting event. Military tribunals are a necessity.

Now let us talk about why are they necessary. What are some of the reasons that we have to have them? I think today, I have to tell the Members, I have to give credit to the editorial today in the Wall Street Journal. In one editorial, I think the Wall Street Journal set out probably as clear a picture as I have seen in this debate as to the justification for the military tribunals.

I am not going to read the editorial to Members, but I will talk about and discuss certain elements of that editorial.

They talk about, of course, the recent cases that have pertained to acts of terrorism: the first attack on the World Trade Center, the bombings of the U.S. embassies in Africa. The Wall Street Journal talks about the good news about these trials; and by the way, they were held in Federal courts. The good news about these trials was they managed to get convictions. The bad news was that they were protracted, long trials, expensive trials, and very dangerous trials to the participants, meaning the jurors, the judges, the court reporters.

Everyone that had everything to do with the government side of the business was under a threat of danger. In fact, it says, some of those judges involved in those cases still have security measures taken on their behalf to protect them as a result of holding those trials.

Now, think for a moment, and this is not in the Wall Street Journal editorial, but think for a moment on these military tribunals. Let us just take out of the air, let us say we capture some al Qaeda members. Say we capture 100 of them. That is not unreasonable. There are thousands of them.

Let us say 100 of them are captured and brought to the United States. Where are Members going to find 100 additional Federal judges, 100 Federal courthouses, that can be cordoned off, blocked off, checked every day for anthrax, checked for bombs? Where are we going to find a courthouse where we can get a jury that is willing to sit, a jury deciding on al Qaeda, when we know we do not have every one in our custody; when they are constantly reminded in this trial of what happened in New York City on the acts of terrorism?

Where are we going to find, without hampering and deadlocking the rest of the Federal court system, where are we going to get all of these judges to decide on this? Then what do you do, provide those judges with lifetime round-the-clock security for the rest of their lives?

□ 2245

That is why an option of a military tribunal which is constitutional, which allows the defendant a fair and full trial, which allows the defendant legal counsel, which allows the defendant the same rights of food and shelter and a nondiscrimination allowed to any other prisoner in the United States, that is one of the reasons these military tribunals make sense.

Let us go on, because the issue you have heard a lot of, ''secret,'' and, boy, do they play up on the word ''secret.'' Oh, my gosh. Secret. You cannot have a secret hearing. Well, wait a minute. Sometimes it is necessary to have a secret hearing because there are a lot of people that would like to find out exactly what we know about their organizations, their terrorist organizations.

For example, they say in here in the Wall Street Journal, they talk about that the World Trade Center trial, remember that trial a few months ago, in fact, the defendants were sentenced I think the day or 2 days after the September 11 bombing or act of terror. They talk about what was revealed in the first trial which was held in open court, not in a secret hearing.

This testimony that was open to the public including the al Qaeda network, the testimony in the first World Trade Center trial included lengthy testimony about the structure and the stability of the twin towers.

So, in other words, these twin towers, the World Trade Centers, the stability and the structural makeup of those towers was discussed in open court in the first World Trade Center, so that the people that were interested in taking down the towers could figure out why a bomb in the basement did not bring it down, but what would in fact be able to bring it down based on the structure weaknesses and the stability. That was in open court.

Do you think that is something we ought to be discussing in an open court? In other words, daring them to try it again and providing them, as the Wall Street Journal says, it is almost like giving out your troop movement. You are engaged in a war. We do not want to hold it secret from the enemy where our troops are going to be, so we better disclose our troop movements before we go into it. That is exactly what we are concerned about. The confidential information. How we found out about these al Qaeda. How we arrested them. What are our resources? Who are our sources of information? What kind of satellite intervention, what kind of interception did we use?

All of those secrets could be forced to be revealed in an open court setting. So what we have proposed is a military tribunal. And while a tribunal would allow facts like that to be held in secret, it would not deny the defendant a fair and full trial. It would fall within the bounds of constitutionality, and we can bet that any conviction taken out there will certainly go to the United States Supreme Court on the question of constitutionality. And I can assure you that the prosecutors, the United States of America, the people of the United States of America, do not want a trial that is going to be found unconstitutional. They do want to stay within the bounds of the Constitution. But they also want the priority, while staying within those bounds, that the priority should be homeland security, that we need to install just a little common sense.

Do not buy into some of the defense bar on this thing. Let me proceed.

In the embassy bombing, remember our embassies that got bombed? Government Exhibit 1677–T was al Qaeda terror manual. By entering the manual into evidence, the United States was telling al Qaeda that it knew its operating procedures and inviting it to change course. That was bad enough during peacetime, but in the middle of the war against terrorism it is akin to disclosing troop movements.

Speedy justice. Talk about the speed of these trials. Can you have a trial that is held on a faster basis without it being declared unconstitutional? Yes, you have to take certain precautions. You have to make sure the defendant is assured the right of counsel. You have to make sure the trial is held so it

gives a full and fair trial to the defendant. But once you meet those standards of the Constitution, there is nothing in the Constitution that requires these trials be prolonged month after month after month, and that is exactly what happened. With the experiment we had in trying the first bombing of the World Trade Center, that is exactly what happened in that trial and the subsequent bombings of the embassies. Let us talk about it.

Speedy justice is also not a hallmark of civilian courts. The first World Trade Center trial took 6 months, in 1993 to 1994. Six months of locking off that courthouse. Six months of trying to keep secret who the jurors were, who the judges were, who the court clerks were, who the security guards were. As I said before, the security for the judges especially continues to this date on many of these cases.

A second trial lasted 4 months in 1997, a second trial dealing with the World Trade Center. A third trial, the blind sheik, took 8 months in 1995, 8 months of daily trial in the Federal Court Center. And the embassy bombing trial last spring lasted 3 months. That is the one where the sentencing took place September 12 in a Federal courthouse a few blocks north of the World Trade Centers.

Now, the Wall Street Journal says, it brings it to the fact that all these trials were held under heavy security and great risk to the participants. Federal courthouses are heavily trafficked public buildings in dense urban areas, and thus difficult to protect. Effective security requires more than installing metal detectors or closing off adjacent streets.

A military base is the safest venue for terrorist trials, but even that security is not a simple matter. It took a year to prepare a camp in the Netherlands for a trial of those accused of bringing down Pan Am Flight 103.

So the Wall Street Journal goes on further and says, look, from a practical viewpoint it does not make sense to hold these trials or tribunals or have trials in Federal courts in the middle of a populated center. It makes sense for the protection of the population around that courthouse, for the protection of the people working in that courthouse, it makes sense to have these trials, considering the backgrounds of these individuals and the allegations against them, to have these trials on a military base.

Now the military base does not prevent legal counsel from representing their client, does not prevent them from going on the base. The defendant will be able to have military counsel. But it does protect society. Again, some people are confused. Some people are beginning to adopt the politically correct thinking of whatever the liberal defense bar, in some cases, not all members of the defense bar, whatever they want we better satisfy them. Even though we know it is constitutional, even though we know the jeopardy that we are placing other American citizens in, we better have it down at the Federal courthouse. You know why they will push hard on that, some defense attorneys, especially the defense attorneys that will represent the members of the al Qaeda, because they know under pressure the United States will probably fold and make a plea bargain for their clients.

The more you can force the government to disclose military secrets like satellites, who the names of their spies are, the more you can force the United States to hold a trial in a publicly populated area, the more pressure you are putting on the government to do a plea bargain. That is exactly why you will see these points pushed with such vengeance by the defending attorneys.

Same thing with the juror safety. The usual rules in civilian terrorist trials is anonymity for the jurors. But it is hard to believe that the jurors are going to consider that adequate protection after September 11. Judges are even more at risk.

Two Federal judges, as I mentioned earlier, two Federal judges in New York remain under tight security to this day, long after the end of those terror trials.

The larger point here, and I think this is very, very important for our discussion this evening, the larger point here is that military tribunals are not some ''Big Brother'' invasion past the normal rules of justice. In other words, what is being said, this is not an invasion of the rules of the Constitution, this is not a violation of the civil liberties of American citizens. In fact, it protects the civil liberties of American citizens. In fact, it is about the home security of the United States of America, about the security for every man, woman and child within this country that are American citizens, or even visitors who are not American citizens but residing in this country.

This is not an invasion of rights. This is not an effort by the President of the United States to somehow abscond with the Constitution of the United States. It is his inherent obligation and our inherent obligation to conduct these in such a way that we protect the home security of this Nation while still giving a fair and full trial to the defendant, which can be realized under a military tribal.

Let me go back to the Wall Street Journal. The larger point here is that military tribunals are not some Big Brother invasion across the normal rules of justice. They are a commonsense and historically well-established way to cope with the unusual demands of war against terrorism. As recently as 1996, the Clinton administration rejected Sudan's offer to turn over bin Laden because it did not think it had enough evidence to convict him in a military court. A military tribunal would have been very handy at that point in time because of the pressures that would have been applied by, frankly, the defense attorneys working in this case.

Now, the Defense Department, we would expect here in the next few days, would have probably many more specifics in regard to these military tribunals. What I am saying to my colleagues tonight is before you jump on the bandwagon of criticizing these military tribunals, do a couple of things. Number one, use common sense. And when you are thinking about common sense, think about, number one, are we protecting the Constitution? Common sense would say, well, is there some history to it? The answer would be yes. We have had military tribunals throughout the history of this country, starting with the Revolutionary War, as a result of the Lincoln assassination, as a result of two or three acts in World War II. We have a history of military tribunals.

Common sense says, okay, there is a history. The facts points out there is a history. Is it constitutional? Common sense again says look at the facts. The Supreme Court on two separate occasions has answered that very direct question and the answer has been yes, they are constitutional. Use some common sense about the security of the people that will be involved in the trial. How can you guarantee the security of some regular Joe or regular Jane down there and say, hey, we want you to serve on the jury against one of these people that we think was connected with the terrorism acts of September 11, do not worry about your security?

What are you going to do with these judges? Protect them for the rest of their lives, or jury for the rest of their lives? Think about the logistics. Think about common sense.

Does it make a lot of sense to have these trials at the Federal courthouse in downtown Denver or in New York City, in downtown New York City, around populated centers? Or does it make more common sense because it is constitutional to do it, to hold it out on a military base where you allow the defendant still a fair and full trial and the right to counsel?

I think it is so important as we discuss there that you not sign on to this argument that on its face military tribunals make no sense; that it is a move by the Bush administration to somehow subvert the Constitution.

In fact, it is my belief that a lot of the arguments against military tribunals today are in fact not based on real objection to military tribunals, but instead designed as a political weapon against the Attorney General. That in fact they are designed to try, and somehow because President Bush is so popular today, that somehow the way to try and dent Bush's popularity is to go after his Attorney General. And so military tribunals use the sensitive words like secretive and lack of rights and unconstitutional. I think my comments showed you tonight, one, the reason for secrecy and it does not deny a fair trial to the defendant. Two, the fact it is constitutional. Three, the

common sense needs to have it at a military base. Those all point out that the arguments being used by the other side really in most cases are being fictitious and more directed at trying to ruin the credibility of an Attorney General in an effort to get at the President.

Because when you sit down with most Americans and you say let us talk about security, let us talk about the Constitution, let us talk about the fairness of these trials, let us talk about the history of these trials, you will find agreement. Most Americans are concerned about the security of this Nation. Every American is concerned because it may be them someday.

□ 2300

Every American is concerned that a fair trial be held there, including our United States Supreme Court; and do not believe for one minute that the United States Supreme Court is going to look the other way on a trial that does not allow the defendant a fair trial. That is not going to happen. They would throw it out in a heartbeat, and this is not what we want. We want a fair trial, but we want security for America. Homeland security has to be our number one policy here while staying within the bounds of the Constitution, which we do with military tribunals.

Let me spend my last few minutes on some other facts, and that is, we have heard about these detentions across the country. Once again, a wide distortion of the facts. Currently in the United States of America, remember that these deportations, these are people in violation of some law.

I heard a lawyer tonight on TV who was representing a student whose visa was expired, and he was deeply offended by the fact that this person was detained and questioned by immigration. He is in violation. He should have not been here. He should have gone back to his own country. He was invited as a guest, as a student of this country. His student visa expires, he gets caught, and his lawyer shows up saying, oh my, the wolves are picking on my client.

I do not know why his client is still in the United States of America. I do not know why they do not send him back. Once he is released, they should kick him out of the country. His visa has expired. We have got to enforce our border policies. I am not saying lock down the borders. I never have, but the laws we have, we have got to enforce.

These detentions, there are 20,000 people as we speak, 20,000 plus people as I speak this evening, in immigration detention across this country. We have heard that we have got, oh, probably 5 percent, 600 or 1,000, people in detention for various violations of the law as a result of the September 11 incident, and those people are being questioned.

The distortion of facts is they would have us believe that these people's names cannot be revealed. The government's not going to give out their names. Why should we? We should not give out their names. All we do is provide the al Qaeda network and other people who do not hold the best interests of the United States of America in their heart, we provide them information of exactly what we are doing.

We cannot deny one of the detainees, one of the people who is being held in detention. They have every right to tell their attorney or to disclose their own name. So their name can be disclosed. We are not just going to do it for them. They can do it if they wish. Their attorney can come out tomorrow morning, have a press conference and say John Jones right here is being detained; he wants everybody to know his name. They are allowed to do that. Do not buy into this distortion that people are being detained and nobody will ever know their names. They will, if those people choose to have their names known.

I think it is important to remember of those 600-and-some-odd people that are being detained, over a hundred of them are being detained on serious Federal charges. We cannot play games here. This is a very serious threat to the United States of America, and I do not have to say it twice because everybody in this room, everybody in this room saw what happened on September 11. We witnessed it. I do not have to play games here.

We better be serious about the investigation of these people. We better not let a few threats, oh, my gosh, you are hurting their feelings, we better put that aside. We have got the security of the United States of America to worry about, and we can count on the fact that these terrorists will strike again. With good investigative work that I would add is constitutional, with good investigative work that I would add is fair, with good investigative work that has common sense to it, we can prevent a lot of these future terrorist acts.

Do not buy into this politically correct theory that any kind of aggressive action by the investigative agencies is somehow a violation of privacy or somehow unconstitutional. All we are doing is asking for it. It is like getting in a fistfight and putting your fists down and saying maybe it is unfair for me to defend myself because you do not hit as fast as I do, so maybe I ought to put my fist down.

That is an analogy. We should not put our guard down. This is a time when we ought to have our guard up, and we ought to use every tool that is constitutional and every tool that allows common sense, frankly; and that is a lot of what this is about, to protect the security of the people of this Nation. We cannot allow these acts of aggression to occur again, if at all we can stop it ahead of time. That is what we need to do in this country.

I ask my colleagues, listen to these detentions; and by the way, as they listen to these interviews that are being requested, they are not required and we have heard people say, well, it is race profiling because the government has asked people who are visiting this country, they are not asking citizens of this country, they are asking people who are visiting from foreign countries who are visiting, who are guests of the United States of America, they are asking them to voluntarily, not mandatory, they are not being arrested, they are not being detained. The government, the President, our leadership has said, look, you are from the Middle East, you are from these countries, you are visiting our country, could you help us, do you have anything you could tell us, would you come down and talk to us. And you never know, what may not seem important to you is very important to us to try and prevent future acts of terrorism.

These people are not being detained against their will. They are asked voluntarily to come in. Somebody said the other day we are race profiling; all you are doing is asking people of Afghan descent or people from Afghanistan or Arab people or people of Middle East descent to come in.

Well, geez, let me tell my colleagues something. I mentioned earlier I used to be a cop, and once in a while we would be called to the high school for a fight, and guess who we asked questions of when we got to the high school, the students. Now, some would say, well, now wait a minute you better ask the other people, you are just picking on the students. I heard that a lot. You are just picking on the students. Who do you think knows about the fight? It is a student fight. Maybe, maybe the students know the most about it. So we always would ask the students questions.

It is the same thing here. I am just concerned as I have heard the news in the last few days that the further away we get from September 11 the more some people are buying into this argument that some how the United States should continue to proceed with its hands handcuffed behind it; that the United States should not have an advantage, not an unfair advantage, but any kind of advantage.

We had one person suggest at the beginning of the war that maybe we were a bully because we had high-tech weapons. We do not need to pile guilt upon ourselves. We are not the party that started this fight. We are the party that is going to end it, but we are not the party that started this.

As a party, we have a fundamental responsibility not to handcuff our hands behind our back, not to intentionally disadvantage ourselves so that we poke our chin out at the enemy so they can pop it once again.

So I ask all of my colleagues, please give this consideration. My colleagues should always ask if it is constitutional, but the moment they find out it is and there is precedent for it, which there is in all of the cases which I have mentioned this evening, then proceed

to the next point: Does it make common sense? Does it defend the interests of the people of the United States? Does it help prevent future terrorist actions?

It is time to get tough. It is time to roll up our shirt sleeves and say we have had enough of this. We are going to go out, and we are going to stop terrorism once and for all, and that is exactly what our President and his administration is intending on doing, and that is exactly what we should do as Members of the United States Congress. We should support our President, and we should support the Attorney General and our Vice President and Condoleezza Rice and the team and we should go out and do everything we can to do our part in stopping terrorism against the citizens of the United States and against all people of the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for today on account of personal business.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LYNCH) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. CANTOR) to revise and extend their remarks and include extraneous material:)

Mr. GANSKE, for 5 minutes, December 5.

Mr. PENCE, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, December 5 and 6.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, December 5.

Mrs. MORELLA, for 5 minutes, December 5.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 717. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

H.R. 1766. An act to designate the facility of the United states Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office building''.

H.R. 2261. An act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office''.

H.R. 2291. An act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

H.R. 2299. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2454. An act to designate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office''.

H.J. Res. 71. Joint resolution, amending title 36, United States Code, to designate September 11 as Patriot Day.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 5, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4689. A communication from the President of the United States, transmitting authorization of transfers from the Emergency Response Fund for emergency recovery and response and national security activities; (H. Doc. No. 107–153); to the Committee on Appropriations and ordered to be printed.

4690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–187, ''Impacted Resident Economic Assistance Temporary Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4691. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–184, ''Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–183, ''Mandatory Autopsy for Deceased Wards of the District of Columbia and Mandatory Unusual Incident Report Temporary Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4693. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–182, ''Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Amendment Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–177, ''Parking Meter Fee Moratorium Temporary Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–174, ''Chief Financial Officer Establishment Reprogramming During Non-Control Years Technical Temporary Amendment Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–173, ''Sentencing Reform Technical Amendment Temporary Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–172, ''Redevelopment Land Agency-RLA Revitalization Corporation Transfer Temporary Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–169, ''Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–170, ''Closing of a Portion of F Street, N.W., S.O. 99–70, Act of 2001'' received December 3, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4700. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Lafourche, LA [CGD08–01–032] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: New Rochelle Harbor, NY [CGD01–01–195] (RIN: 2115–AE47) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, Eastchester Creek, NY [CGD01–01–182] (RIN: 2115–AE47) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Inner Harbor Navigation Canal, LA [CGD08–01–037] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4704. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills and their tributaries, NY [CGD01–01–176] received November 16, 2001,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4705. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, Chesapeake, Virginia [CGD05–01–065] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4706. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; SR 84 Bridge, South Fork of the New River, mile 4.4, Ft Lauderdale, Broward County, Florida [CGD07–01–127] (RIN: 2115–AE47) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4707. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Certification of Navigation Lights for Uninspected Commercial Vessels and Recreational Vessels [USCG–1999–6580] (RIN: 2115–AF70) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2001–NM–298–AD; Amendment 39–12465; AD 2001–20–17] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 Series Airplanes [Docket No. 2000–NM–321–AD; Amendment 39–12436; AD 2001–18–10] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4710. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes and MD–88 Airplanes [Docket No. 2001–NM–264–AD; Amendment 39–12463; AD 2001–20–15] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Beech 400A Series Airplanes [Docket No. 99–NM–157–AD; Amendment 39–12455; AD 2001–20–07] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226 and SA227 Series Airplanes [Docket No. 2000–CE–28–AD; Amendment 39–12462; AD 2001–20–14] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G–V Series Airplanes [Docket No. 2001–NM–305–AD; Amendment 39–12477; AD 2001–21–06] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company T58 and CT58 Series Turboshaft Engines [Docket No. 99–NE–13–AD; Amendment 39–12432; AD 2001–18–06] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Enstrom Helicopter Corporation Model F–28, F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX Helicopters [Docket No. 2001–SW–28–AD; Amendment 39–12479; AD 2001–22–01] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30271; Amdt. No. 431] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation for Restricted Area R–4403; Gainesville, MS [Docket No. FAA 2001–10527, Airspace Docket No. 01–ASW–10] (RIN: 2120–AA66) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 2000–SW–67–AD; Amendment 39–12466; AD 2001–20–18] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B, SA.316C, SA 3180, SA 318B, SA 318C, SA.319B, SE.3160, and SA.316B Helicopters [Docket No. 2001–SW–36–AD; Amendment 39–12467; AD 2001–18–51] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76B and S–76C Helicopters [Docket No. 2001–SW–01–AD; Amendment 39–12134; AD 2001–03–51] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4721. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta Model AB412 Helicopters [Docket No. 2001–SW–22–AD; Amendment 39–12425; AD 2001–17–33] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4722. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, D, D1 and AS355E, F, F1, F2, and N Helicopters [Docket No. 2000–SW–47–AD; Amendment 39–12424; AD 2001–17–32] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. S. 494. An act to provide for a transition to democracy and to promote economic recovery in Zimbabwe; with an amendment (Rept. 107–312 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy Commerce. H.R. 3046. A bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the Medicare Program, and for other purposes; with an amendment, (Rept. 107–313 Pt. 1). Ordered to be printed.

Mr. HANSEN: Committee on Resources. H.R. 2238. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes; with an amendment (Rept. 107–314). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3322. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah (Rept. 107–315). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Financial Services discharged from further consideration. S. 494 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 494. Referral to the Committee on Financial Services extended for a period ending not later than December 4, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of November 29, 2001]

By Mr. SHADEGG (for himself and Mr. MCINNIS):

H.R. 3385. A bill to direct the Consumer Product Safety Commission to issue rules that set safety standards for marine internal combustion engines, including in regard to the emissions of toxic fumes, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the

Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted December 4, 2001]

By Mrs. JOHNSON of Connecticut (for herself, Mr. STARK, Mr. TOOMEY, Ms. BERKLEY, Mr. THOMAS, Mr. RANGEL, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. ABERCROMBIE, Mr. BARRETT, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BUYER, Mr. CAMP, Mrs. CAPPS, Mr. CARDIN, Mr. CRANE, Mr. DEAL of Georgia, Mr. DEUTSCH, Ms. DUNN, Mr. EHRLICH, Mr. ENGLISH, Mr. FOLEY, Mr. GANSKE, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HAYWORTH, Mr. SAM JOHNSON of Texas, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LUTHER, Mr. MALONEY of Connecticut, Ms. MCCARTHY of Missouri, Mr. MCCRERY, Mr. MCDERMOTT, Mr. MCNULTY, Mr. NORWOOD, Mr. NUSSLE, Mr. PALLONE, Mr. PICKERING, Mr. PORTMAN, Mr. RAMSTAD, Mr. RUSH, Mr. SHADEGG, Mr. SHAW, Mr. SHIMKUS, Mr. STENHOLM, Mr. STRICKLAND, Mrs. THURMAN, Mr. TOWNS, Mr. UPTON, Mr. WAXMAN, Mr. WELLER, and Mr. WHITFIELD):

H.R. 3391. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTERT (for himself, Mr. ACKERMAN, Mr. ARMEY, Mr. BOEHLERT, Mr. CROWLEY, Mr. DIAZ-BALART, Mr. DREIER, Mr. ENGEL, Mr. EVANS, Mr. FOSSELLA, Mr. FROST, Mr. GILMAN, Mr. GOSS, Mr. GRUCCI, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HASTINGS of Washington, Mr. HINCHEY, Mr. HOUGHTON, Mr. ISRAEL, Mrs. KELLY, Mr. KING, Mr. LAFALCE, Mr. LINDER, Mrs. LOWEY, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mrs. MYRICK, Mr. NADLER, Mr. OWENS, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Mr. SESSIONS, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 3392. A bill to name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes; to the Committee on Veterans' Affairs. considered and passed.

By Mr. MURTHA:

H.R. 3393. A bill to make additional emergency supplemental appropriations for fiscal year 2002 for urgent counter-terrorism activities; to the Committee on Appropriations.

By Mr. BOEHLERT (for himself, Mr. HALL of Texas, Mr. SMITH of Texas, Mr. BAIRD, Mr. SMITH of Michigan, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3394. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. UNDERWOOD, and Mr. ACEVEDO-VILA):

H.R. 3395. A bill to amend the Tariff Act of 1930 to permit duty drawback for articles shipped to the insular possessions of the United States; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 3396. A bill to amend title 18, United States Code, to prohibit aiding terrorists; to the Committee on the Judiciary.

By Ms. HARMAN (for herself, Mr. WELDON of Pennsylvania, Mr. MORAN of Virginia, Mr. GILMAN, Mr. MCINTYRE, Mr. FRELINGHUYSEN, and Mr. BALLENGER):

H.R. 3397. A bill to provide for the expedited and increased assignment of spectrum for public safety purposes; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3398. A bill to provide Federal reimbursement to State and local governments for a 30-day sales, use, and retailers' occupation tax holiday; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3399. A bill to authorize the Secretary of the Army to carry out a project for flood protection and ecosystem restoration for Sacramento, California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, and Mr. HALL of Texas):

H.R. 3400. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 2003 through 2007 for the coordinated Federal program on networking and information technology research and development, and for other purposes; to the Committee on Science.

By Mr. RADANOVICH:

H.R. 3401. A bill to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself, Mr. NADLER, Mrs. MALONEY of New York, Mr. SERRANO, Mr. TOWNS, Mr. HINCHEY, Mrs. MCCARTHY of New York, and Mr. MCNULTY):

H.R. 3402. A bill to provide tax incentives for the recovery of businesses in the City of New York which were impacted by the September 11, 2001, terrorist attacks; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 3403. A bill to direct the Secretary of Transportation to issue a final regulation prohibiting certain aircraft departing from John F. Kennedy Airport in Queens County, New York, from flying over the Rockaway Peninsula in Queens County, New York; to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM (for himself, Mr. GOSS, and Mr. HYDE):

H.J. Res. 75. A joint resolution regarding the monitoring of weapons development in Iraq, as required by United Nations Security Council Resolution 687 (April 3, 1991); to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. GILMAN, Mr. ACKERMAN, Mr. WATTS of Oklahoma, Mr. WYNN, Mr. MCNULTY, Mr. DEUTSCH, Ms. BERKLEY, Mr. WEINER, Mr. BERMAN, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. NADLER, Mr. CROWLEY, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. FLAKE, Mr. LEACH, Ms. SCHAKOWSKY, Mr. KING, Mr. ROTHMAN, Mr. WEXLER, Mr. SHERMAN, Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. CARDIN, Mr. REYNOLDS, Mr. KIRK, Mr. GRUCCI, Mr. WALSH, Mr. BLUNT, Mr. CHABOT, Mr. SOUDER, Mr. BURTON of Indiana, Mr. HORN, Mrs. KELLY, Mrs. WILSON, Ms. HARMAN, Mr. BASS, Mr. DAN MILLER of Florida, Mr. FILNER, Mrs. JO ANN DAVIS of Virginia, Mr. BOEHLERT, Mr. STEARNS, Mr. FERGUSON, Mr. DEAL of Georgia, Mr. COX, Mr. WELDON of Pennsylvania, Mr. RANGEL, Mrs. NAPOLITANO, Mr. DIAZ-BALART, Mr. FOLEY, and Mr. FRELINGHUYSEN):

H. Con. Res. 280. Concurrent resolution expressing solidarity with Israel in the fight against terrorism; to the Committee on International Relations.

By Mr. ADERHOLT (for himself, Mr. GOSS, Mr. WOLF, Mr. SIMMONS, Mr. BACHUS, Mr. CALLAHAN, Mr. CRAMER, Mr. EVERETT, Mr. HILLIARD, and Mr. RILEY):

H. Con. Res. 281. Concurrent resolution honoring the ultimate sacrifice made by Johnny Micheal Spann, the first American killed in combat during the war against terrorism in Afghanistan, and pledging continued support for members of the Armed Forces; to the Committee on Intelligence (Permanent Select).

By Mr. NUSSLE:

H. Res. 301. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 184: Mr. HASTINGS of Florida.

H.R. 218: Mr. GUTKNECHT, Mr. BORSKI, Mr. DEMINT, and Mr. SHUSTER.

H.R. 280: Mr. CRANE and Mr. NEY.

H.R. 488: Mr. CARDIN, Mr. RUSH, Mrs. MEEK of Florida, and Mr. SCHIFF.

H.R. 563: Mr. FROST and Mr. SHADEGG.

H.R. 709: Mr. QUINN.

H.R. 765: Mr. FILNER.

H.R. 831: Mr. SNYDER.

H.R. 902: Mr. UDALL of New Mexico.

H.R. 950: Mr. BILIRAKIS, Mr. STEARNS, and Mrs. CUBIN.

H.R. 997: Mr. SANDERS.

H.R. 1011: Mr. WYNN.

H.R. 1178: Mr. MCGOVERN.

H.R. 1198: Mr. AKIN.

H.R. 1211: Mr. KENNEDY of Rhode Island and Mr. SHADEGG.

H.R. 1212: Mr. DOOLITTLE.

H.R. 1265: Mr. SMITH of Washington.

H.R. 1273: Mr. LARGENT.

H.R. 1343: Mr. ROSS and Ms. ROS-LEHTINEN.

H.R. 1377: Mr. OSBORNE, Ms. HART, and Mr. FORBES.

H.R. 1400: Ms. SOLIS.

H.R. 1433: Mr. SERRANO, Mr. HINCHEY, and Mr. RANGEL.

H.R. 1436: Mr. WALSH and Mr. GRUCCI.

H.R. 1556: Mr. PAYNE.

H.R. 1586: Mr. HOUGHTON and Mr. FALEOMAVAEGA.

H.R. 1793: Mr. OSBORNE.

H.R. 1819: Mr. FLETCHER.

H.R. 1839: Mr. LIPINSKI.

H.R. 1949: Mr. FILNER.

H.R. 1975: Mr. ETHERIDGE.

H.R. 1984: Mr. SCHAFFER.

H.R. 2012: Mr. FILNER.

H.R. 2037: Mr. COMBEST, Mr. ROHRABACHER, Mr. PLATTS, Mrs. THURMAN, Mr. TURNER, and Mr. GREENWOOD.

H.R. 2074: Ms. MCCARTHY of Missouri.
H.R. 2118: Mrs. KELLY.
H.R. 2148: Mr. SPRATT.
H.R. 2162: Mr. RODRIGUEZ and Mr. HINOJOSA.
H.R. 2220: Mr. CLEMENT, Ms. SOLIS, and Mr. LIPINSKI.
H.R. 2235: Mr. TURNER.
H.R. 2258: Ms. MCCOLLUM.
H.R. 2348: Mr. BECERRA, Mr. SCOTT, Mr. GIBBONS, and Mr. JACKSON of Illinois.
H.R. 2349: Mr. RAHALL and Mr. BACA.
H.R. 2363: Mr. UDALL of New Mexico.
H.R. 2374: Mr. WATKINS and Mr. RYAN of Wisconsin.
H.R. 2419: Mr. CLAY and Ms. DELAURO.
H.R. 2423: Mr. BARTLETT of Maryland.
H.R. 2439: Mr. BONIOR.
H.R. 2573: Mr. HINCHEY.
H.R. 2574: Mr. SCHAFFER and Mr. SOUDER.
H.R. 2588: Mr. SHAYS, Mr. DOYLE, and Mr. TERRY.
H.R. 2623: Mr. TIERNEY and Ms. SCHAKOWSKY.
H.R. 2638: Mr. LAHOOD, Mr. STRICKLAND, Ms. SCHAKOWSKY, Mr. MALONEY of Connecticut, and Ms. DELAURO.
H.R. 2670: Mr. STUPAK.
H.R. 2690: Mr. KENNEDY of Rhode Island.
H.R. 2726: Mr. GREEN of Wisconsin.
H.R. 2733: Mr. SMITH of Michigan.
H.R. 2749: Mr. HASTINGS of Washington.
H.R. 2775: Mr. KUCINICH.
H.R. 2901: Mr. SMITH of New Jersey and Mr. CAPUANO.
H.R. 2917: Mr. HASTERT, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Ms. PELOSI, Mr. LANGEVIN, Mrs. TAUSCHER, Mr. MCINNIS, Mr. ROGERS of Kentucky, Mr. PITTS, Mr. WICKER, Mr. CANTOR, Mr. JENKINS, Mr. RYUN of Kansas, Mr. GRUCCI, Mr. NUSSLE, Mr. LAHOOD, Mr. BAKER, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CHABOT, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. EHLERS, Mr. CULBERSON, Mrs. EMERSON, Mr. GOSS, Mr. HAYES, Mr. HORN, Mrs. JOHNSON of Connecticut, Mr. MANZULLO, Mr. MICA, Mr. GARY G. MILLER of California, Mrs. NORTHUP, Mr. OSE, Mr. SHADEGG, Mr. SHERWOOD, Mr. SHUSTER, Mr. SIMPSON, Mr. TOOMEY, Mr. WATKINS, Mrs. WILSON, Mr. AKIN, Mr. BILIRAKIS, Mrs. BONO, Mr. BURR of North Carolina, Mr. TOM DAVIS of Virginia, Mr. FLAKE, Mr. GIBBONS, Mr. GILCHREST, Mr. GILMAN, Mr. GREENWOOD, Mr. HAYWORTH, Mr. ISSA, Mrs. MORELLA, Mr. PETRI, Mr. PICKERING, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SESSIONS, Mr. SMITH of Michigan, Mr. WELDON of Pennsylvania, Mr. ALLEN, Ms. BALDWIN, Mrs. CAPPS, Mrs. DAVIS of California, Mr. MCDERMOTT, Ms. RIVERS, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. CALLAHAN, Mr. BARR or Georgia, Mr. BEREUTER, Mrs. BIGGERT, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. CASTLE, Mr. COLLINS, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DEAL of Georgia, Ms. DUNN, Mr. FOSSELLA, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Texas, Mr. GUTKNECHT, Mr. HEFLEY, Mr. HULSHOF, Mr. ISTOOK, Mr. KERNS, Mr. KINGSTON, Mr. MCKEON, Mr. NETHERCUTT, Mr. NORWOOD, Mr. OSBORNE, Mr. PENCE, Mr. REHBERG, Mr. RILEY, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SIMMONS, Mr. TERRY, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BASS, Mr. BRYANT, Mr. CLAY, Mr. CRANE, Mr. CROWLEY, Mr. CUMMINGS, Mr. BOOZMAN, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. DOOLITTLE, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Ms. HOOLEY of Oregon, Mr. HOUGHTON, Mr. JOHN, Mr. KILDEE, Mr. KING, Mr. LARGENT, Mr. LEWIS of Kentucky, Ms. LOFGREN, Mr. DAN MILLER of Florida, Mrs. NAPOLITANO, Mr. RAMSTAD, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCHAFFER, Mr. STENHOLM, Mr. STUMP, Mr. SWEENEY, Mr. THUNE, Mr. TRAFICANT, Mr. UPTON, Mr. VITTER, Mr. WAMP, Mr. WOLF, Mr. DIAZ-BALART, Mr. POMEROY, and Mrs. JONES of Ohio.
H.R. 2953: Mr. WEINER and Mr. TOWNS.
H.R. 2954: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3019: Mr. SAWYER.
H.R. 3020: Mr. GRUCCI.
H.R. 3054: Mr. BACA, Mr. NORWOOD, Mr. MARKEY, Mr. JOHN, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. OLVER, Ms. HOOLEY of Oregon, Ms. MCCOLLUM, and Mr. WALDEN of Oregon.
H.R. 3077: Mr. FALEOMAVAEGA and Mr. TERRY.
H.R. 3131: Mr. SHERMAN.
H.R. 3149: Mrs. MEEK of Florida and Mr. PRICE of North Carolina.
H.R. 3166: Mr. ACEVEDO-VILA and Mr. BONIOR.
H.R. 3175: Mr. BROWN of Ohio, Mr. HASTINGS of Florida, and Mr. TIERNEY.
H.R. 3178: Mr. MCGOVERN.
H.R. 3192: Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Mr. WALSH, and Mr. FILNER.
H.R. 3219: Mr. BEREUTER, Mr. BONIOR, and Mrs. THURMAN.
H.R. 3229: Mr. KERNS.
H.R. 3230: Mr. SHAYS.
H.R. 3239: Mr. CULBERSON.
H.R. 3248: Mr. BURTON of Indiana.
H.R. 3254: Mr. KIRK.
H.R. 3255: Ms. DEGETTE, Mrs. MINK of Hawaii, Ms. MCKINNEY, Mr. MCDERMOTT, Mr. CUMMINGS, Mr. FRANK, Mrs. NAPOLITANO, Mr. HOYER, Mr. MCNULTY, Mr. ABERCROMBIE, and Mr. JACKSON of Illinois.
H.R. 3274: Mrs. MINK of Hawaii.
H.R. 3277: Mr. MCGOVERN.
H.R. 3278: Mr. PRICE of North Carolina and Mrs. CAPPS.
H.R. 3290: Mr. BAIRD.
H.R. 3295: Mr. GILLMOR, Mr. OSE, Mr. PALLONE, Mr. LUTHER, Ms. HARMAN, Mr. TIAHRT, Mr. SAWYER, Mr. ROSS, Mr. TURNER, and Mr. KANJORSKI.
H.R. 3298: Mr. GRUCCI and Mr. HINCHEY.
H.R. 3303: Mr. STUMP.
H.R. 3306: Mr. SMITH of Texas.
H.R. 3310: Mr. FROST, Mr. TIERNEY, Mr. CARSON of Oklahoma, and Mr. BAIRD.
H.R. 3318: Mr. COSTELLO, Mr. PASTOR, and Mr. THUNE.
H.R. 3323: Mr. ROGERS of Michigan, Mr. CARDIN, Ms. DUNN, Mr. SHADEGG, Mr. BROWN of Ohio, Mr. DINGELL, Mr. BILIRAKIS, Mr. SIMMONS, and Mr. TAUZIN.
H.R. 3331: Mr. CARSON of Oklahoma.
H.R. 3337: Ms. NORTON, Mr. SCHROCK, Mr. MCGOVERN, Mrs. ROUKEMA, Mrs. CHRISTENSEN, and Mrs. MINK of Hawaii.
H.R. 3339: Mr. FROST.
H.R. 3341: Ms. WATSON, Mr. BORSKI, Mrs. MALONEY of New York, Mr. STUPAK, and Mr. RANGEL.
H.R. 3351: Mr. SHERWOOD, Mr. STUMP, Mr. PETERSON of Pennsylvania, Mr. VISCLOSKY, Mr. BONIOR, Mr. LARSEN of Washington, Mr. WICKER, Mr. ALLEN, Mrs. MCCARTHY of New York, Mr. SAWYER, Mr. ACKERMAN, Mr. RAMSTAD, Mrs. WILSON, Mr. TANCREDO, Ms. MCCOLLUM, Ms. PELOSI, Mr. POMEROY, Mr. SANDLIN, Mr. SWEENEY, Mr. EVANS, Mr. OSBORNE, Ms. BALDWIN, Mr. WELDON of Florida, Mr. EDWARDS, Mr. GONZALES, Mr. STENHOLM, Ms. DELAURO, Mrs. LOWEY, Mr. HINCHEY, Mr. REYES, Mr. JONES of North Carolina, Mr. RAHALL, Mr. MCGOVERN, Mr. HALL of Ohio, Mr. BONILLA, Mr. BLUMENAUER, Ms. KILPATRICK, Ms. BROWN of Florida, Mr. TIBERI, Mr. CLEMENT, Mr. ACEVEDO-VILA, Mr. JENKINS, Mr. OXLEY, Mr. MCINTYRE, Mr. THORNBERRY, Mr. KING, Mr. FERGUSON, Mr. DIAZ-BALART, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3353: Mr. PLATTS.
H.R. 3367: Mr. SMITH of New Jersey, Mr. FERGUSON, and Mr. GRUCCI.
H.R. 3368: Ms. LEE, Ms. HOOLEY of Oregon, Mr. JONES of North Carolina, Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. GEORGE MILLER of California, and Mr. FRANK.
H.R. 3376: Mr. TERRY.
H.R. 3389: Mr. UNDERWOOD, Mr. SAXTON, Mr. YOUNG of Alaska, and Mr. FALEOMAVAEGA.
H. J. Res. 16: Mr. CALVERT.
H. J. Res. 54: Mr. TIAHRT.
H. Con. Res. 173: Mr. HINCHEY, Mr. SHERMAN, Mr. FARR of California, Mr. TOWNS, and Mr. GUTIERREZ.
H. Con. Res. 222: Mr. DEUTSCH and Mr. BURTON of Indiana.
H. Con. Res. 230: Ms. MCCOLLUM and Ms. DELAURO.
H. Con. Res. 232: Mr. BAIRD, Mr. BORSKI, Ms. HARMAN, and Mr. LEWIS of Kentucky.
H. Con. Res. 249: Mr. FATTAH, Mr. CONYERS, Mr. BISHOP, Mr. FRELINGHUYSEN, and Mr. JACKSON of Illinois.
H. Con. Res. 265: Mr. WEXLER, Mr. BURTON of Indiana, Mr. WHITFIELD, Mr. SKELTON, Mr. CLEMENT, Mr. JEFFERSON, Mr. RAMSTAD, Mr. MORAN of Virginia, Mr. ENGEL, Mr. ROHRABACHER, Mr. BERMAN, Mr. PITTS, Mr. GILLMOR, and Mr. LANTOS.
H. Con. Res. 267: Mr. BAIRD.
H. Con. Res. 271: Ms. DUNN and Mr. DOYLE.
H. Con. Res. 279: Mr. GOODE, Ms. HART, Mr. TOM DAVIS of Virginia, Mr. GRUCCI, and Mr. GILCHREST.
H. Res. 281: Mr. ALLEN and Mr. WOLF.
H. Res. 295: Mr. FORBES.
H. Res. 298: Mr. KERNS, Mr. JEFF MILLER of Florida, Mr. SAXTON, Mr. SESSIONS, Mr. GOODE, Mr. LAHOOD, and Mr. MCGOVERN.
H. Res. 300: Mrs. ROUKEMA, Mr. HINCHEY, Mr. DELAHUNT, Ms. BERKLEY, Mr. PLATTS, Mr. CARDIN, Mr. REYES, and Mr. ACEVEDO-VILA.

AMENDMENTS

Under Clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3005

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 55, insert the following after line 2 and redesignate succeeding sections accordingly:

SEC. 9. ASSISTANT USTR FOR SMALL BUSINESS.

(a) ESTABLISHMENT OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended by adding at the end the following new paragraph:

''(6)(A) There is established in the Office the position of Assistant United States Trade Representative for Small Business. The Assistant United States Trade Representative for Small Business shall be appointed by the United States Trade Representative.

''(B) The primary function of the Assistant United States Trade Representative for Small Business shall be to promote the trade interests of small businesses, to remove foreign trade barriers that impede small business exporters, and to enforce existing trade agreements beneficial to small businesses. The Assistant United States Trade Representative for Small Business shall be a vigorous advocate on behalf of small businesses. In carrying out that advocacy function, the Assistant United States Trade Representative for Small Business shall conduct meetings throughout the United States on a regular basis in order to solicit views and recommendations from small business exporters in the formulation of trade policy. The Assistant United States Trade Representative for Small Business shall perform such other functions as the United States Trade Representative may direct.

''(C) The Assistant United States Trade Representative for Small Business shall be paid at the level of a member of the Senior Executive Service with equivalent time and service.''.

Page 4, line 17, strike ''10(2)'' and insert ''11(2)''.

Page 19, line 2, strike ''10(2)'' and insert ''11(2)''.

Page 22, line 10, strike ''10(2)'' and insert ''11(2)''.