

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. HOLLINGS. I yield the floor.

#### RECESS

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

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

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

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2044

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

DORGAN be allowed to speak following my remarks.

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

#### AMENDMENT NO. 2044

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

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

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

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

## AMENDMENT NO. 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

The PRESIDING OFFICER. The Senator from Nevada.

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

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

## AMENDMENT NO. 2024

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

the Dorgan amendment could be accepted by voice vote.

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

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

The amendment (No. 2024) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

Mr. SESSIONS. Yes.

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

AMENDMENT NO. 2045

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

reading of the amendment be dispensed with.

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### THE STIMULUS PACKAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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